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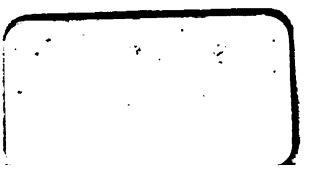

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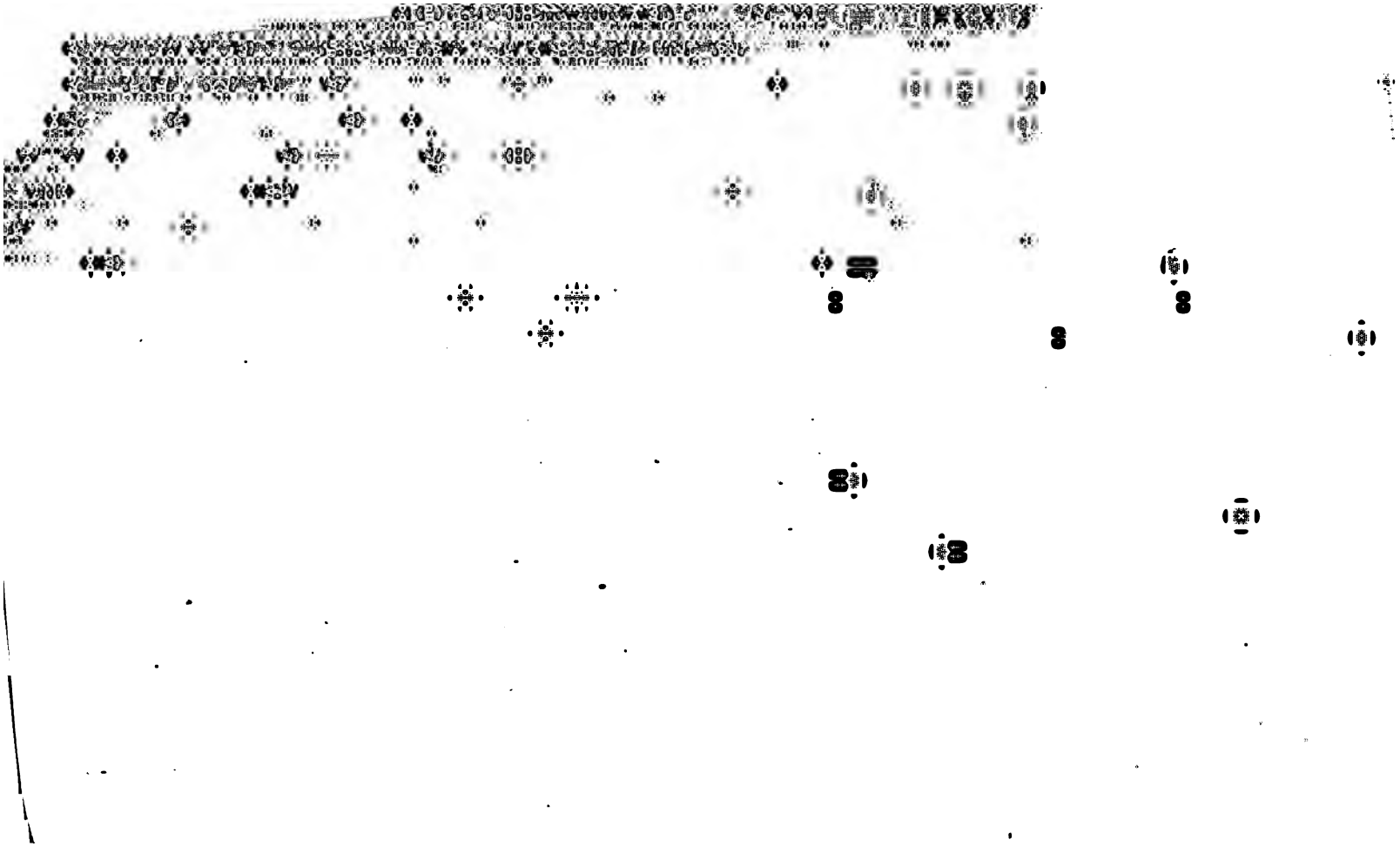

GENERAL LAWS

OF THE

STATE OF MINNESOTA;

Laws, Statutes, etc.

PASSED AND APPROVED DURING THE

FIRST SESSION OF THE STATE LEGISLATURE,

COMMENCING DECEMBER THIRD, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN, AND TERMINATING AUGUST TWELVE, ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT.

THREE THOUSAND COPIES ORDERED PRINTED.

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GENERAL LAWS

OF

MINNESOTA.

PASSED AND APPROVED AT THE FIRST SESSION OF THE STATE LEGISLATURE, COMMENCING DECEMBER THIRD, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN, AND TERMINATING AUGUST TWELVE, ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT.

CHAPTER I.

An Act proposing an amendment to Section ten, Article nine of the Constitution, and providing for the submission of the same to the people.

SECTION 1. Amendment to Sec. 10, Art. 9, of the Constitution, proposed for publication and approval.
2. Manner of submitting the amendment to a vote of the people.
3. Provides for the publication of the Article in all the papers of the State.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The following amendment to the Constitution of this State is hereby proposed for publication, and approval or rejection by the people, in accordance with Section 1 of Article 14 of the Constitution; that is to say, that Section 10 of Article 9 of the Constitution shall be as follows:

SEC. 10. The credit of this State shall never be given or loaned in aid of any individual association or corporation, except that for the purpose of expediting the construction of the lines of Railroads, in aid of which the Congress of the United States has granted lands to the Territory of Minnesota, the Governor shall cause to be issued and delivered to each of the Companies in which said grants are vested by the Legislative Assembly of Minnesota, the special bonds of the State, bearing an interest of seven per cent. per annum, payable semi-annually in the City of New York, as a loan of public credit, to an amount not exceeding twelve hundred and fifty thousand dollars, or an aggregate amount to all of

LOAN OF STATE CREDIT

Credit of the State never to be loaned--exception

For expediting the construction of the land grant railroads special bonds may be issued, not to exceed $1,250,000, to

each company or $5,000,000 altogether

said Companies not exceeding five millions of dollars, in manner following, to wit:

MANNER OF ISSUING BONDS

Whenever either of the said Companies shall produce to the Governor satisfactory evidence, verified by the affidavits of the Chief Engineer, Treasurer and two Directors of said Company, that any ten miles of the road of said Company has been actually constructed and completed, ready for placing the superstructure thereon, the Governor shall cause to be issued and delivered to such Company, bonds to the amount of one hundred thousand dollars; and whenever thereafter, and as often as either of said Companies shall produce to the Governor like evidence of a further construction of ten miles of its road, as aforesaid, then the Governor shall cause to be issued to such Company further like bonds to the amount of one hundred thousand dollars for each and every ten miles of road thus constructed; and whenever such Company shall furnish like evidence that any ten miles of its road is actually completed and cars running thereon, the Governor shall cause to be issued to such Company like bonds to the amount of one hundred thousand dollars; and whenever thereafter, and as often as either of said Companies shall produce to the Governor like evidence that any further ten miles of said road is in operation as aforesaid, the Governor shall cause to be issued to such Company further like bonds to the amount of one hundred thousand dollars until the full amount of the bonds hereby authorized shall be issued: *Provided*, That two-fifths, and no more, of all bonds issued to the Southern Minnesota Railroad Company, shall be expended in the construction and equipment of the line of road from La Crescent to the point of junction with the Transit Road, as provided by law. And further provided, that the Minneapolis and Cedar Valley Railroad Company shall commence the construction of their road at Faribault and Minneapolis, and shall grade an equal number of miles from each of said places.

Whenever ten miles are graded $100,000 to be issued

For every additional ten miles so graded $100,000 to be issued

For every ten miles completed and cars thereon $100,000 to be issued

SPECIAL PROVISIONS

Two-fifths of bonds to S M R R Co to be expended on La Crescent to junction with Transit Road

M & C V R R to commence construction at Faribault and Minneapolis

RESPONSIBILITY OF STATE

The said bonds thus issued shall be denominated "Minnesota State Railroad Bonds," and the faith and credit of this State are hereby pledged for the payment of the interest and the redemption of the principal thereof. They shall be signed by the Governor, countersigned and registered by the Treasurer, sealed with the seal of the State, of denominations, not exceeding one thousand dollars, payable to the order of the company to whom issued, transferable by the endorsement of the President of the said Company, and redeemable at any time after ten and before the expiration of twenty-five years from the date thereof. Within thirty days after the Governor shall proclaim that the people have voted for a loan of State credit to Railroads, any of said Companies proposing to avail themselves of the loan herein provided for, and to accept the conditions of the same, shall notify the Governor thereof, and shall, within sixty days, commence the construc-

Faith and credit of State pledged for payment of interest and principal on bonds

Form of State bonds

Redeemable after ten and before twenty-five years

CONDITIONS OF LOAN

tion of their roads; and shall, within two years thereafter, construct ready for the superstructure, at least fifty (50) miles of their road. Each Company shall make provision for the punctual payment and redemption of all bonds issued and delivered as aforesaid, to said Company, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the Treasury of this State from any advances of money for that purpose; and as security therefor, the Governor shall demand and receive from each of said Companies, before any of said bonds are issued, an instrument pledging the net profits of its road, for the payment of said interest, and a conveyance to the State of the first two hundred and forty sections of land, free from prior incumbrances, which such Company is or may be authorized to sell in trust for the better security of the Treasury of the State from loss on said bonds, which said deed of trust shall authorize the Governor and Secretary of State to make conveyances of title to all or any of such lands, to purchasers agreeing with the respective Railroad Companies therefor. *Provided*, That before releasing the interest of the State to such lands, such sale shall be approved by the Governor, but the proceeds of all such sales shall be applied to the payment of interest accruing upon the bonds in case of default of the payment of the same, and as a sinking fund to meet any future default in the payment of interest and the principal thereof when due; and as further security, an amount of first mortgage bonds on the roads, lands and franchises of the respective Companies, corresponding to the State bonds issued, shall be transferred to the Treasurer of the State at the time of the issue of State bonds, and in case either of said Companies shall make default in payment of either the interest or principal of the bonds issued to said Companies by the Governor, no more State bonds shall thereafter be issued to said Company, and the Governor shall proceed in such manner as may be prescribed by law, to sell the bonds of the defaulting Company or Companies, or the lands held in trust as above, or may require a foreclosure of the mortgage executed to secure the same: *Provided*, That if any company so in default, before the day of sale, shall pay all interest and principal then due, and all expenses incurred by the State, no sale shall take place, and the right of said company shall not be impaired to a further loan of State credit: *Provided*, If any of said companies shall at any time offer to pay the principal, together with the interest that may then be due upon any of the Minnesota State Railroad Bonds, which may have been issued under the provisions of this section, then the Treasurer of State shall receive the same; and the liabilities of said company or companies, in respect to said bonds shall cease upon such payment into the State Treasury, of principal, together with the interest as aforesaid: *Provided further*, That in consideration of the loan

After acceptance of act companies to commence construction within sixty days

Fifty miles on each road to be graded within two years

Each company to provide for the interest on bonds

SECURITY FOR LOAN

1. Net profits of roads

2. Conveyance to State of first 240 sections of land proceeds to be a sinking fund

3. First mortgage bonds on the roads lands and franchises equal to the loan

For default of companies to pay interest or principal lands to be sold and mortgages foreclosed

If companies pay up before day of sale proceedings to be stayed

Companies may at any time pay into the state treasury interest and principal of bonds and be released from liability

FURTHER CONDITIONS OF LOAN

1. Each company to complete fifty miles of road before expiration of year 1861

2. To complete 100 miles before year 1864

3. Four-fifth of entire road to be completed before year 1866

of State credit herein provided, that the company or companies which may accept the bonds of the State in the manner herein specified, shall, as a condition thereof, each complete not less than fifty miles of its road on or before the expiration of the year 1861, and not less than one hundred miles before the year 1864, and complete four-fifths of the entire length of its road before the year 1866, and any failure on the part of any such company to complete the number of miles of its road or roads, in the manner and within the several times herein prescribed, shall forfeit to the State, all the rights, title and interest of any kind whatsoever in and to any lands, together with the franchises connected with the same not pertaining or applicable to the portion of the road by them constructed, and a fee simple to which has not accrued to either of said companies, by reason of such construction, which was granted to the company or companies, thus failing to comply with the provisions hereof, by act of the Legislature of the Territory of Minnesota, vesting said land in said companies respectively.

FAILURE ON CONDITIONS

Forfeits all the franchises and lands pertaining to the portion of the roads not constructed

SEC. 2. The foregoing amendment shall be submitted to the electors of the State, at an election to be held on the fifteenth day of April, one thousand eight hundred and fifty-eight, in the several elective districts of this State. The ballots at such election shall be written or printed as follows: those in favor of the amendment "Loan of State Credit for Railroads—Yes." Those against the amendment, "Loan of State Credit for Railroads—No." The polls at said election shall be opened between the hours of eight and ten o'clock A. M., and closed at six o'clock P. M., and the said election shall be conducted and the returns thereof made and certified, in the manner provided by law for returning votes for Territorial Delegate to Congress, except that the said returns shall be addressed to the Governor, by whom the same shall be canvassed within twenty days after said election; and if it shall appear that a majority of voters present and voting at said election have ratified the proposed amendment, the Governor shall incorporate the foregoing amendment in the Constitution, and shall make proclamation of the result, and deposit the election returns in the office of the Secretary of State.

SEC. 3. Besides the publication prescribed by existing laws, this Act is hereby directed to be published in all the newspapers of this State, for which publication the same rate of compensation is hereby fixed as for similar insertions in the official paper of the Legislature.

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March ninth, one thousand eight hundred and fifty-eight.

SECRETARY'S OFFICE, Minnesota, March 9, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER II.

An Act proposing an Amendment to the Constitution of the State of Minnesota.

SECTION 1. Proposed amendment to Sec. 7, Article 5, of Constitution.
2. Submission to the people.
3. Form of Ballots.
4. Act to be void on admission of the State, before the 15th day of April, 1858.
5. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The following amendment to Section seven of Article five of the Constitution of this State, is hereby proposed for publication, to be approved or rejected by the people, pursuant to Section one of Article fourteen of said Constitution, said Section seven to be amended so as to read as follows:

SEC. 7. The term of each of the Executive officers named in this Article, shall commence on taking the oath of office on or after the first day of May, 1858, and continue until the first Monday of January, 1860, except the Auditor, who shall continue in office till the first Monday of January, 1861, and until their successors shall have been duly elected and qualified; and the same above-mentioned time for qualification and entry upon the duties of their respective offices shall extend and apply to all other officers elected under the State Constitution, who have not already taken the oath of office and commenced the performance of their official duties.

Amendment to sec 7 art 5 of constitution

SEC. 2. The proposed amendment shall be submitted to the people of the several districts of this State, for their approval or rejection, on the 15th day of April, 1858, and said election shall be governed and returns thereof made in accordance with the present law pertaining to elections.

Time of submission to vote

SEC. 3. The ballots used at said election, shall be writ-

Form of ballot

ten or printed as follows: "For amendment to Section 7 Article 5," or "Against amendment to Section 7 Article 5," as the case may be.

SEC. 4. No action shall be taken by the people on the above proposed amendments, and this Act shall be void, in case the State of Minnesota shall be admitted into the Union prior to the time of holding said election for the ratification or rejection of the foregoing proposed amendment.

SEC. 5. This Act shall take effect on and after its passage.

GEORGE BRADLEY,
Speaker *pro tem* of the House of Representatives.
RICHARD G. MURPHY.
President *pro tem* of the Senate.

APPROVED—March eight, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE,
Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER III.

An Act to authorize a loan of two hundred and fifty thousand dollars to defray the current expenses of the State.

SECTION 1. Governor and Treasurer authorized to borrow $250,000, for the current expenses of the State for the first fiscal year.
2. Loan to be made on State bonds and conditions of bond.
3. Authorizing a tax to be levied for the payment of the interest.
4. Authorizes an annual tax for one-tenth of the principal.
5. Manner of investing the tax authorized in Sec. 4.
6. Manner of paying annual interest.
7. Treasurer to procure bonds in blank.
8. Credit of the State pledged to payment of interest and principal.
9. Takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Loan of $250,000

SECTION 1. That the Governor and Treasurer of the State of Minnesota be, and they are hereby authorized to borrow, at any time within six months from the passage of this Act,

on the credit of the State, the sum of two hundred and fifty thousand dollars, at a rate of interest not exceeding ten per cent per annum, payable semi-annually in the City of New York, which loan shall be paid and reimbursed in nine years from the time on which the same is negotiated—which money so borrowed shall, on first being duly appropriated therefor, be applied in addition to whatever money may be in the Treasury unappropriated to the defrayment of the current expenses of the State for the first fiscal year, commencing on the second day of December, A. D. 1857, and for the indebtedness of the State already accrued.

SEC. 2. That the loan mentioned in section first of this Act, shall be made upon State Bonds, with coupons attached, issued and signed by the Treasurer, and countersigned by the Secretary of State, which bonds shall specify the rate of interest, and time when the principal and interest shall be paid, and each bond so issued shall not be for a less sum than five hundred dollars, and shall specify therein to whom the same shall be made payable. State bonds to be issued therefor

SEC. 3. The State shall annually, in addition to the taxes levied for the current expenses of the State, levy a tax sufficient to pay the interest of the loan provided for in this Act. Interest tax

SEC. 4. There shall also be levied the annual tax of twenty-seven thousand seven hundred and seventy-seven dollars and seventy-seven cents, to be held and retained as a sinking fund with which to cancel the bonds mentioned in this Act, at the time the same shall become due. Principal tax

SEC. 5 The tax above mentioned in Section four of this Act, shall be invested annually by the Treasurer of the State of Minnesota in United States and Minnesota State stocks, or in case the same cannot be obtained at par or under, then in other State stocks on which the interest is regularly paid, which stocks shall be equal to six per cent. stocks, and which he shall procure at as low rates as the same can be purchased which stocks shall be held and retained by the Treasurer until the time the loan mentioned in this Act shall become due, and shall then be disposed of, and the proceeds of the sale of such United States stocks shall be appropriated to the payment of the loan authorized in this Act. Annual tax for principal to be invested

SEC. 6. That whenever the interest on the above mentioned bonds shall become due, the same shall be paid by the Treasurer of the State, upon presentation at such banking house in the City of New York, as the Treasurer shall designate, of the coupons for the interest then due. Payment of interest

SEC. 7. The Treasurer of the State is hereby authorized, and it is made his duty, to obtain blank bonds with suitable devices to prevent counterfeiting, and of such material as he may deem proper.

SEC. 8. The credit of the State is hereby pledged to the payment of the interest and principal of the bonds mentioned in this Act, as the same may become due. Credit of the state pledged

SEC. 9. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March thirteenth, eighteen hundred and fifty eight.

CHAS. L CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 13, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L CHASE, Secretary.

CHAPTER IV.

An Act for the Relief of the Creditors of the State.

SECTION 1. Authorizes the issue of Treasury Drafts for the State indebtedness for next 12 months.
2. Provision relating to fractional parts of a dollar.
3. All drafts to be numbered and registered by Auditor.
4. Manner of issuing the Treasury Drafts.
5. Twelve per cent. interest on drafts until redemption.
6. Duties of Treasurer in canceling.
7. Drafts to be received in payment of all dues to the State.
8. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Blank treasury drafts to be procured

SECTION 1. That the State Auditor is hereby authorized and required to cause to be lithographed or engraved and printed in the best manner, to guard against counterfeiting, such quantity of warrants or drafts against the State Treasurer, in blank, of different denominations not less than one dollar, nor more than twenty dollars, as shall be equal in amount to the present indebtedness, and the probable additional expenditure of the State for the next twelve months.

SEC. 2. The warrants or drafts so to be lithographed or engraved and printed, of the denomination of one dollar, shall be printed and made in such convenient manner as will best admit of the fractional parts of a dollar, being inserted and written by the Auditor after the words "one dollar."

Registry of drafts by auditor

SEC. 3. All such blank warrants or drafts shall be lettered, numbered and registered in the proper books to be provided and kept by the Auditor for that purpose, and all plates or other stamps for the printing and making of the warrants provided for hereby, shall remain in the custody of the Auditor, and under his direction and control.

Manner of paying out drafts by treasurer

SEC. 4. Whenever any outstanding and unpaid Territorial warrants or other claims against the State, duly audited and appropriated by law, shall be presented for payment, the Treasurer shall receive from the Auditor a like amount in the aforesaid Treasury drafts or warrants which, before delivery, shall be properly signed by the Auditor, and a correct account kept thereof.

The Treasurer shall countersign, accept and issue the same to the parties entitled thereto, and the Treasurer shall enter in a book or books to be kept by him for that purpose, a correct account of all such transactions, setting forth the amount of drafts received by him from the Auditor, the numbers, letters, denominations and amounts of the same, to whom issued, and on what account, as well as any further entries necessary to exhibit the condition of the Treasury at all times, and the aggregate amount and denominations of such outstanding Treasury drafts.

Interest on drafts

SEC. 5. The said warrants or Treasury drafts shall bear and draw interest at the rate of twelve per cent. per annum, but whenever there shall be sufficient funds in the Treasury for the redemption of such outstanding warrants, it shall be the duty of the Treasurer to give public notice, in one or more newspapers published at Saint Paul, that the said warrants will be redeemed upon presentation, and the interest shall cease from and after the date of such notice.

Registry and cancellation by treasurer

SEC. 6. A full and correct account of the redemption and payment of all such Treasury drafts shall also be kept by the Treasurer, and no such draft shall be issued twice; but on payment they shall be marked as canceled by a cross at least one inch each way, being stamped and cut through the paper, in the manner known to bankers for destroying canceled checks.

To be received for debts due state

SEC. 7. The said drafts shall always be received by the State for taxes, assessments, fines and dues of every nature whatsoever; and they shall also be received by the Treasurer at par, and with accrument of interest, as cash, for any loan to the State of Minnesota, authorized or to be authorized by law, and the credit of the State is hereby pledged to the payment of the principal and interest of the Treasury drafts or warrants mentioned in this Act.

State credit pledged

SEC. 8. This Act shall take effect from and after its passage.

GEO. BRADLEY,
Speaker *pro tem* of the House of Representatives
RICHARD G. MURPHY,
President *pro tem* of the Senate.

APPROVED—January twenty-ninth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE,
Acting Governor.

SECRETARY'S OFFICE, Minnesota, January 29, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER V.

An Act to extend the time for the collection of the County, State and Territorial Taxes for the year 1857.

SECTION 1. Time of Collection of Taxes extended to July 1, 1858.
2. Time for Treasurer to pay over State Tax extended to first Monday in July 1858,
3. No Tax Sales to be made until after second Tuesday in August 1858,
4. Registers of Deeds failing to collect Taxes shall advertise and sell the property on the second Tuesday of November, 1858.
5. Tax Collectors to make due diligence in collecting taxes—State taxes to be paid out of first moneys collected.
6. Failure of Collector to pay over taxes collected, monthly damages and interest to be exacted, by suit against Collectors' bonds.
7. School, District, Village or City Taxes exempted from the provisions of this law.
8. Ramsey and Meeker Counties exempted.
9. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Time of collection extended

SECTION 1. That the time for the return of delinquent taxes for the year 1857, be and the same is hereby extended to the first Monday in July, 1858.

Treasurer, when to pay in

SEC. 2. The time for the several County Treasurers to pay over to the State authorities the amounts charged to their respective counties for the year 1857 is hereby extended to the first Monday in July 1858.

Tax sales when to take place

SEC. 3. No lands shall be sold for the taxes of 1857, prior to the second Tuesday in August, 1858, at which time the sale of lands for the unpaid taxes of 1857, shall be made according to the further provisions of existing law for the sale of lands for unpaid taxes and the conveyance and redemption thereof.

SEC. 4. If the Register of Deeds of any county shall una-

voidably omit or fail to sell the lands returned for the delinquent taxes of the year 1857, at the time specified in the foregoing Section, he shall advertise and sell such lands on the second Tuesday in November next ensuing and not sooner, and all sales made in pursuance of this enactment shall conform in all respects to, and be valid and binding, as like sales made in accordance with the existing provisions of law. Registers of deeds when they shall sell real estate

SEC. 5. Nothing in this Act shall be so construed as to authorize or allow any Sheriff or Collector of Taxes to fail in making due diligence to collect and pay over the taxes of the year 1857 before the time specified in Section one for the return of delinquent tax lists; neither shall this Act be construed to warrant or allow any County Treasurer to reserve and keep, or appropriate to the use of his county, the State or Territorial taxes charged to his respective county for the year 1857; but the same shall be paid in gold and silver coin and Territorial and State orders, out of the first moneys collected and paid in the County Treasuries, and not later than the time prescribed in Section one. Tax collectors to use due diligence. First moneys to be paid into the state treasury

SEC. 6. All County, State, or Territorial taxes, collected prior to the passage of this Act shall be paid over to the respective County Treasuries on or before the first Monday in February next, and like payment of all taxes subsequently collected shall be made in each succeeding month thereafter until final settlement is made by said Collector, and if any Sheriff or Collector fails or neglects to make a settlement of the taxes included in his assessment roll collected as hereinbefore provided, the County Treasurer of his county, shall charge such Sheriff or Collector five per cent. damages, and twelve per cent. per annum interest, from the day payment should have been made in the balance of unsettled taxes due from him, and if any Sheriff or Collector shall withhold the payment of any taxes collected by him as aforesaid, he shall be liable to pay ten per cent. damages and twelve per cent. interest as above specified on such moneys, which moneys, damages and interest shall be collected by suit brought against such Sheriff or Collector's Bond for the recovery of the sums. Collections heretofore made to be paid over—failure or neglect subject to penalty

SEC. 7. The provisions of this Act shall not apply to any taxes levied or assessed by law for the support of School Districts, Village or City government, nor to any taxes specially assessed or levied by a town meeting for the support of Schools. Taxes exempt from provisions herein

SEC. 8. Nothing in this Act shall be so construed as to change the time for the return of delinquent taxes in Ramsey and Meeker counties beyond the first day of February next, the time fixed by existing laws. Counties exempt from the law

SEC. 9. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—January twenty-ninth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, January 29, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER VI.

An Act to provide for the Assessment and Collection of a tax for State purposes, for the year eighteen hundred and fifty eight.

SECTION 1. Five mill tax authorized, together with a tax for principal and interest of $250,000 loan.
2. Duty of the several county officers in the State.
3. Act to take effect from passage.

Be it enacted by the Legislature of the State of Minnesota:

Five mill tax

SECTION 1. There shall be levied and collected on all the taxable property in the State of Minnesota for the year eighteen hundred and fifty-eight, a tax of five mills to the dollar, for the use of the State, including the sum to be raised as a sinking fund and for interest of the State debt, under the provisions of an act entitled "An Act to authorize a loan of two hundred and fifty thousand dollars to defray the current expenses of the State."

Tax for state debt

Collection of taxes

SEC. 2. It shall be the duty of the proper officers of the several counties in the State, to assess and collect said tax in their respective counties, and pay the same over to the Treasurer of State, in the manner and time prescribed by law.

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER VII.

An Act in relation to the Revision and Compilation of the Statutes.

SECTION 1. Appointment of Commissioners to revise the Statutes.
2. Commissioners to report as the Legislature may direct.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Moses Sherburne, Aaron Goodrich and William Hollinshead, are hereby appointed Commissioners to compile, arrange and put into chapters, under appropriate heads, the public Acts now in force, including the Revised Statutes and the public Acts and laws passed since the revision of the Statutes, and which may be passed by this Legislature; and said Commissioners shall not enter upon their duties until instructed in reference to the Code of Practice to be adopted by this State. Commissioners named—duties

SEC. 2. And be it further enacted, That said Commissioners report the result of their labors as this Legislature may direct. When to report

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March thirteenth, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 13, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER VIII.

An Act providing for the Terms of the Supreme Court.

SECTION 1. The Supreme Court required to met semi-annually.
2. Repeals all laws in conflict.
3. Takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Two terms July and December

SECTION 1. That there shall be two terms of the Supreme Court annually, to be held at the seat of government of the State, on the first Monday of December, and the first Monday of July, in each year, and such other special terms there as the Judges of said Court may deem necessary, and shall from time to time order.

Other acts repealed

SEC. 2. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—January eleventh, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, January 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER IX.

An Act to prescribe the Qualifications and duties of the Clerk of the Supreme Court.

SECTION 1. Oath of office and bond required.
2. May appoint deputies.
3. Provides for the payment of necessary records, stationery, &c. by the State.
4. General duties of the Clerk.
5. Take effect after passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Clerk of the Supreme Court, before he

shall enter upon the duties of his office, shall take and subscribe an oath to support the Constitution of the United States, and the Constitution of the State of Minnesota, and to faithfully discharge the duties of his said office to the best of his ability, and shall execute a bond to the Governor of the State, to be approved by him, in the penal sum of one thousand dollars, conditioned for the faithful performance of his said duties, which bond shall be for the use of the State, and filed in the office of the Secretary of State. Oath of office. Bond.

Sec. 2. The said Clerk of the Supreme Court may appoint such deputy or deputies as he may choose, who shall take and subscribe a similar oath or oaths prescribed for the said Clerk, which oath or oaths shall be filed in said Court, and the said Clerk shall be responsible for the acts of his deputy or deputies; *Provided*, That the said Clerk may at any time remove any deputy appointed by him under the provisions of this Act. May appoint deputy.

Sec. 3. It shall be the duty of the said Clerk of the Supreme Court, unless otherwise provided for by law, to procure the necessary records, stationery, lights, fuel and furniture for the use of said Court, the same to be be paid for out of the State by the proper accounting officers thereof, upon the certificate or order of the said Clerk for the same. Records, stationary, &c.

Sec. 4. It shall be the duty of the Clerk of the Supreme Court to perform all the duties which are or may be assigned him by law and by the rules of the said Court, made in pursuance of the statute in such case made and provided. And in the absence of the said Clerk from the office or the Court any deputy appointed under the provisions of this Act, may perform all the duties of the said office. Subject to rules of the supreme court.

Sec. 5. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

Approved—March twenty, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

Secretary's Office, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

Chas. L. Chase, Secretary.

CHAPTER X.

An Act to confer the authority of changing the Names of persons, towns and villages upon the District Court.

SECTION 1. Authorizes District Court to change names.
2. Manner of procedure before Court, to change name of individual.
3. Manner of procedure to change name of town or village.
4. Public notice of change to be given.
5. Record of proceedings under this act to be kept separate.
6. Costs under this act to be borne by petitioners.
7. Act takes effect May 1, 1858.

Be it enacted by the Legislature of the State of Minnesota :

District court may change names

SECTION 1. That the District Court shall have the authority to change the names of persons, and the names of towns and villages within this State.

Changing individual names—petition to be filed—what it shall set forth

SEC. 2. That any person desiring to change his or her name may file a petition with the Clerk of the District Court, in the county in which such person may be a resident, setting forth, first, that the petitioner has been a *bona fide* citizen of such county at least one year prior to the filing of the petition; second, the cause for which the change of petitioner's name is sought; third, the new name which is asked for. And it shall be the duty of the District Court, at any term thereof, after the filing of such petition, upon being satisfied, by proof in open Court, of the truth of the facts set forth in said petition, and that there exists proper and reasonable cause for changing the name of the petitioner, and that notice had been given in some newspaper in general circulation in such county, for three consecutive weeks next preceding the sitting of the Court, or if no paper be printed at the county seat, then in some paper printed at the seat of government, of the intended application, to order and direct a change of the name of such petitioner, and that an order be made for that purpose upon the journals of such Court.

Public notice to be given before hearing in court

Changing names of towns

Proceedings

Public notice

SEC. 3. That whenever it may be desirable to change the name of any town or village, in any county of this State, a petition for that purpose may in like manner be filed with the Clerk of the District Court for such county, signed by at least twenty landholders of the vicinity, setting forth the cause why such change is desirable, and the name prayed to be substituted. And the Court upon being satisfied, by proof, that the prayer of the petitioners is just and reasonable, and that notice as required in the foregoing section had been given, and that the inhabitants of such town, or the majority of the qualified voters thereof desire such change, and that there is no other town or village in this State with the same

name with that which is prayed for, may order a change of the name of such town or village, as prayed for in such petition.

Record on the journals of court

SEC. 4. After such change of name as is contemplated in the foregoing section, shall have been ordered to be entered upon the journals of such Court, then it shall be the duty of such person or persons most directly [interested] in such change to cause notice thereof to be published in like manner as contemplated by the first section of this Act.

Public notice of change

Clerk of court

SEC. 5. It shall be the duty of the Clerk of the District Court to keep a separate book for recording the proceedings under this Act.

Costs

SEC. 6. All proceedings under this Act shall be at the cost of the petitioners; *provided* always, that any change of name under the provisions of this Act shall not, in any manner, affect or alter any right of action, legal process, or property.

SEC. 7. This Act shall take effect and be in force from and after the first day of May, one thousand eight hundred and fifty-eight.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-six, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XI.

An Act authorizing the Clerks of Courts to grant Orders of Publication.

SECTION 1. Clerks of Courts authorized to grant orders of publication same as Judges.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Clerks of the several Courts of this

SEC. 9. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March thirteenth, eighteen hundred and fifty eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 13, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L CHASE, Secretary.

CHAPTER IV.

An Act for the Relief of the Creditors of the State.

SECTION 1. Authorizes the issue of Treasury Drafts for the State indebtedness for next 12 months.
2. Provision relating to fractional parts of a dollar.
3. All drafts to be numbered and registered by Auditor.
4. Manner of issuing the Treasury Drafts.
5. Twelve per cent. interest on drafts until redemption.
6. Duties of Treasurer in canceling.
7. Drafts to be received in payment of all dues to the State.
8. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Blank treasury drafts to be procured

SECTION 1. That the State Auditor is hereby authorized and required to cause to be lithographed or engraved and printed in the best manner, to guard against counterfeiting, such quantity of warrants or drafts against the State Treasurer, in blank, of different denominations not less than one dollar, nor more than twenty dollars, as shall be equal in amount to the present indebtedness, and the probable additional expenditure of the State for the next twelve months.

SEC. 2. The warrants or drafts so to be lithographed or engraved and printed, of the denomination of one dollar, shall be printed and made in such convenient manner as will best admit of the fractional parts of a dollar, being inserted and written by the Auditor after the words "one dollar."

Registry of drafts by auditor

SEC. 3. All such blank warrants or drafts shall be lettered, numbered and registered in the proper books to be provided and kept by the Auditor for that purpose, and all plates or other stamps for the printing and making of the warrants provided for hereby, shall remain in the custody of the Auditor, and under his direction and control.

Manner of paying out drafts by treasurer

SEC. 4. Whenever any outstanding and unpaid Territorial warrants or other claims against the State, duly audited and appropriated by law, shall be presented for payment, the Treasurer shall receive from the Auditor a like amount in the aforesaid Treasury drafts or warrants which, before delivery, shall be properly signed by the Auditor, and a correct account kept thereof.

The Treasurer shall countersign, accept and issue the same to the parties entitled thereto, and the Treasurer shall enter in a book or books to be kept by him for that purpose, a correct account of all such transactions, setting forth the amount of drafts received by him from the Auditor, the numbers, letters, denominations and amounts of the same, to whom issued, and on what account, as well as any further entries necessary to exhibit the condition of the Treasury at all times, and the aggregate amount and denominations of such outstanding Treasury drafts.

Interest on drafts

SEC. 5. The said warrants or Treasury drafts shall bear and draw interest at the rate of twelve per cent. per annum, but whenever there shall be sufficient funds in the Treasury for the redemption of such outstanding warrants, it shall be the duty of the Treasurer to give public notice, in one or more newspapers published at Saint Paul, that the said warrants will be redeemed upon presentation, and the interest shall cease from and after the date of such notice.

Registry and cancellation by treasurer

SEC. 6. A full and correct account of the redemption and payment of all such Treasury drafts shall also be kept by the Treasurer, and no such draft shall be issued twice; but on payment they shall be marked as canceled by a cross at least one inch each way, being stamped and cut through the paper, in the manner known to bankers for destroying canceled checks.

To be received for debts due state

SEC. 7. The said drafts shall always be received by the State for taxes, assessments, fines and dues of every nature whatsoever; and they shall also be received by the Treasurer at par, and with accrument of interest, as cash, for any loan to the State of Minnesota, authorized or to be authorized by law, and the credit of the State is hereby pledged to the payment of the principal and interest of the Treasury drafts or warrants mentioned in this Act.

State credit pledged

SEC. 8. This Act shall take effect from and after its passage.

GEO. BRADLEY,
Speaker *pro tem* of the House of Representatives
RICHARD G. MURPHY,
President *pro tem* of the Senate.

To be in writing and verified

2d. The confession shall be in writing, signed by the defendant, and verified by his oath, and filed with the Justice.

Statement of facts

3d. If it be for money due, or to become due, the confession must state concisely the facts out of which it arose, and must show that the sum confessed therefor, is honestly due, or to become due. If it be for the purpose of securing a contingent liability, it must state concisely the facts constituting the liability, and must show that the sum confessed therefor does not exceed the same.

Duties of justice of peace

SEC. 3. The statement and affidavit may be filed with the Justice of the Peace, who must endorse upon it the time of filing, and must enter upon his judgment book a judgment for the amount confessed, with one dollar costs. The statement and affidavit, with the judgment endorsed thereupon become the judgment roll.

Transcripts

SEC. 4. Every Justice, on demand of any person in whose favor a judgment has been confessed, as hereinbefore provided, shall give a certified transcript of such judgment, and the Clerk of the District Court of the same county in which the judgment was rendered, shall, upon the production of any such transcript, file the same in his office, and forthwith enter such judgment in his docket of the District Court judgment and decrees, and shall note the time of filing such transcript.

Filing in district court

Lien on real estate

SEC. 5. Every such judgment, from the time of filing the transcript thereof, shall have the same lien on the real estate of the defendant or defendants in the county, as a judgment of the District Court of the same county, shall be equally under the control of the District Court, and shall be carried with execution in the same manner and with like effect as the judgment of such District Courts, but no execution shall be in force thereon out of the District Court, until an execution shall have been in force by a Justice, and returned, that the defendant or defendants, have no goods or chattels whereon to levy the same.

Execution

SEC. 6. This Act shall take effect from and after the first day of May next.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February second, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
February 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XIV.

An Act to extend the Jurisdiction of Justices of the Peace.

SECTION 1. Justices of the Peace to have jurisdiction in civil actions against Constables, or their sureties.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Justices of the Peace have jurisdiction in all civil actions to be brought against a Constable or the sureties to his official undertaking, or against both, for the failure of any Constable to pay over any money by him collected, to the party thereto entitled, or for any neglect of duty by such Constable in his official capacity, when the sum sought to be recovered by the plaintiff in such action shall not exceed one hundred dollars. Jurisdiction against constables

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY.
President *pro tem.* of the Senate.

Approved February second, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XV.

An Act to provide for the issuing of Commissions to take testimony by Justices of the Peace.

SECTION 1. Justices authorised to appoint Commissioners to examine witnesses not residing in county when suit is pending.
2. Commission to be granted at instance of either party—notice to adverse party.
3. Execution and return of commission to be evidence on trial.
4. Power of Commissioner to issue subpœna, swear witnesses, &c.
5. Issuing of commissions not to adjourn suit more than ninety days except by consent.
6. Fees for issuing commissions.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. Whenever an issue of fact shall have been

Commissioners to be appointed to take depositions

joned, in any action or suit, before a Justice of the Peace, and it shall appear on the application of either party, that any witness not residing within the county where such suit is pending, is material in the prosecution or defence of such action or suit, the said Justice may award a Commission to one or more competent persons authorizing them or any of them to examine such witness on oath upon the interroga-

Assent of parties thereto

tion settled by the said Justice, and certified by his approbation, entered or endorsed thereon, or by the written agreement or assent of the parties annexed to such commission, to take and certify the depositions of such witness, and to return the same according to the directions given, with such commission, in which commission both parties may unite.

SEC. 2. Such commission may be granted at the instance of either party by such Justice of the Peace, at any time, upon proof that due notice of such application for such com-

Commissioners may be granted on notice to adverse party

mission has been served on the adverse party at least two days before the time of making such application—and whenever the defendant shall neglect to appear or plead in such action or suit, and the plaintiff shall make application for a

Failure to appear on notice

commission to take the deposition of a material witness for the prosecution of such action or suit, the Justice may award a commission without notice to one or more competent persons, to examine such witness on oath upon interrogations proposed by the plaintiff to be settled by the Justice, and certify the depositions, and return the same according to the directions given in such commission.

SEC. 3. The commission shall be executed and returned

Deposition to be evidence same as personal examination

as is prescribed by statute when a commission issues out of a Court of Record, and the deposition and testimony taken in pursuance thereof, shall be received on the trial, as testimony in the cause, with the like effect, as if such witness were personally examined at such trial.

SEC. 4. When the commission is executed in this State,

Commissioners may issue subpœnas &c

the Commissioner or Commissioners, shall have the same power to issue subpœnas, swear witnesses, and compel their attendance as Justices of the Peace have.

SEC. 5. Whenever such commission shall be issued by any

Adjournment of suit

Justice of the Peace, the action or suit shall not be adjourned for more than ninety days, unless by consent and agreement of the parties of such action or suit.

SEC. 6. The Justice of the Peace shall be entitled to fifty

Fees for issuing commissions

cents for every commission issued and approved by him, in addition to the fees now allowed by law.

GEORGE BRADLEY,
Speaker *pro tem* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March third, eighteen hundred and fifty-eight.
CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XVI.

An Act authorizing a change of Venue in Justices' Courts.

SECTION 1. Amendments to Sec. 65, Art. 4, Chap. 64, Revised Statutes—manner of obtaining change of Venue.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section 65 of Article IV of Chap. LXIX of the Revised Statutes, on page 308, is hereby amended so as to read as follows: Sec. 65. If, on the return of the process, or at any time before trial shall have commenced in any cause or proceeding, civil or criminal, either party, his agent or attorney, shall make affidavit that the Justice before whom the same is pending is a material witness for said defendant, without whose testimony he cannot safely proceed to a trial thereof; or that from prejudice, bias, or other cause, he believes such Justice will not decide impartially in the matter; or if it shall be proven that the Justice is near of kin to the plaintiff, then, in such case, the said Justice shall transfer said suit and all other papers appertaining to the same to some other Justice of the same or an adjoining precinct, who may thereupon proceed to hear and determine the same in the same manner as it would have been lawful for the Justice before whom the said cause or proceeding was commenced to have done. *Provided*, That no cause or proceeding shall be removed more than once.

Affidavit being made justice to transfer suit to another justice

Causes to be removed but once

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XVII,

An Act to prevent trespass on School, University, Swamp and Internal Improvement Lands.

SECTION 1, Trespass upon School, Swamp, or Internal Improvement Lands, to be prosecuted on view or information,
2. Penalty for cutting timber or grass.
3. Penalty how to be recovered.
4. Penalty against township officers, for failure to prosecute violations of this act.
5. Suits to be brought within one year after cause of action.
6. Justices of the Peace to exercise jurisdiction in all cases where damages do not exceed one hundred dollars.
7. Suits to be commenced before Justice in county where trespass is committed.
8. Form of complaint under this act.
9. Form of warrant under this act.
10. Special constables may be appointed to serve warrant.
11. Date and manner of service to be endorsed on warrant.
12. Justice may transfer hearing of case to next nearest Justice, on oath of defendant for cause.
13. Form of Subpoena for witnesses.
14. Service of Subpoena.
15. Six jurors to be summoned—right of challenge—additional jurors.
16. Jury may be waived by defendant.
17. Form of service for jurors.
18. Hearing of testimony and arguments,
19. Verdict of the jury, form of.
20. Record of verdict upon docket.
21. Justice to hear and decide the case, where jury is dispensed with,
22. Execution to be issued on rendition of verdict.
23. Execution not satisfied, defendant not committed to jail—to be allowed two dollars for each days' imprisonment, to be applied to payment of damages.
24. Execution, form of.
25. Appeals, how made.
26. Constable, duty of on receiving execution.
27. Constable, duty of on collecting the debt.
28. Witnesses, time to prosecute—defendant may be held in custody.
29. Attachments, how issued, on failure of juror or witness to attend. Fee bill.
30. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it is hereby made the duty of the County

Commissioners, and Sheriffs in their respective counties, and of Justices of the Peace, and Constables in their respective precincts, in the name of the State of Minnesota, to prosecute upon view or information, all persons who shall, after the passage of this Act, commit any trespass on lands granted to this State by any act or resolution of Congress, for the use or support of Schools or Universities, or for internal improvements. Prosecutions for trespass

SEC. 2. If any person shall, under pretence of any lease or otherwise, cut fell, box, bore, destroy, or carry away any tree or sapling, standing or growing, or any fallen or dead timber upon any lands within this State, reserved, appropriated or intended by any act or resolution of Congress, either for the use and support of Schools, or for the use and support of any University or College, or for any public buildings, or for internal improvements, or shall cut and carry away any grass or hay, such person shall for each and every such trespass, forfeit and pay the sum of fifty dollars. *Provided* always, that nothing in this Act shall be so construed as to prevent any actual settler from the enjoyment of his or her improvements. cutting timber. Cutting hay. Penalty

SEC. 3. The penalties provided in the above preceding sections shall, and may be recovered with all costs of suit under this Act, in any action of debt, in the name of the State of Minnesota, before any Justice of the Peace, when the amount does not exceed one hundred dollars damages, and the costs, taxed as hereinafter provided in this Act. Recovery of penalty

SEC. 4. If any county or precinct officer, or any township officer, either in the civil or school towns or townships hereafter created, shall fail to prosecute for ten days after notice in writing given to them, with the names of witnesses, sufficient to prove a trespass, shall forfeit and pay the sum of twenty-five dollars to the county school fund of each county in which a trespass was committed, to be recovered by action of debt before any Justice of the Peace; it shall be lawful for any person to enter complaints for any breach of this Act. Failure to prosecute—penalty how recovered

SEC. 5. All suits under this Act shall be brought within one year after the cause of action occurred, and not after. Limit of time of commencing suit

SEC. 6. That Justices of the Peace shall have jurisdiction in all cases arising under the provisions of this Act, in any sum not exceeding one hundred dollars damages, and costs of suit. Jurisdiction of justices of the peace

SEC. 7. All suits under this Act shall be commenced before a Justice of the Peace in the county in which the trespass is alleged to have been committed. Suits to be prosecuted in county where offence is committed

SEC. 8. All complaints shall be under oath and filed with the Justice in the following form as near as may be, to-wit:

STATE OF MINNESOTA, }
County. }

states under oath, that a trespass has been committed on or about the day of , A. D. 18 , Complaint—form of

CHAPTER X.

An Act to confer the authority of changing the Names of persons, towns and villages upon the District Court.

SECTION 1. Authorizes District Court to change names.
2. Manner of procedure before Court, to change name of individual.
3. Manner of procedure to change name of town or village.
4. Public notice of change to be given.
5. Record of proceedings under this act to be kept separate.
6. Costs under this act to be borne by petitioners.
7. Act takes effect May 1, 1858.

Be it enacted by the Legislature of the State of Minnesota:

District court may change names

SECTION 1. That the District Court shall have the authority to change the names of persons, and the names of towns and villages within this State.

Changing individual names—petition to be filed—what it shall set forth

SEC. 2. That any person desiring to change his or her name may file a petition with the Clerk of the District Court, in the county in which such person may be a resident, setting forth, first, that the petitioner has been a *bona fide* citizen of such county at least one year prior to the filing of the petition; second, the cause for which the change of petitioner's name is sought; third, the new name which is asked for. And it shall be the duty of the District Court, at any term thereof, after the filing of such petition, upon being satisfied, by proof in open Court, of the truth of the facts set forth in said petition, and that there exists proper and reasonable cause for changing the name of the petitioner, and that notice had been given in some newspaper in general circulation in such county, for three consecutive weeks next preceding the sitting of the Court, or if no paper be printed at the county seat, then in some paper printed at the seat of government, of the intended application, to order and direct a change of the name of such petitioner, and that an order be made for that purpose upon the journals of such Court.

Public notice to be given before hearing in court

Changing names of towns

Proceedings

Public notice

SEC. 3. That whenever it may be desirable to change the name of any town or village, in any county of this State, a petition for that purpose may in like manner be filed with the Clerk of the District Court for such county, signed by at least twenty landholders of the vicinity, setting forth the cause why such change is desirable, and the name prayed to be substituted. And the Court upon being satisfied, by proof, that the prayer of the petitioners is just and reasonable, and that notice as required in the foregoing section had been given, and that the inhabitants of such town, or the majority of the qualified voters thereof desire such change, and that there is no other town or village in this State with the same

name with that which is prayed for, may order a change of the name of such town or village, as prayed for in such petition.

Record on the journals of court

Sec. 4. After such change of name as is contemplated in the foregoing section, shall have been ordered to be entered upon the journals of such Court, then it shall be the duty of such person or persons most directly [interested] in such change to cause notice thereof to be published in like manner as contemplated by the first section of this Act.

Public notice of change

Clerk of court

Sec. 5. It shall be the duty of the Clerk of the District Court to keep a separate book for recording the proceedings under this Act.

Costs

Sec. 6. All proceedings under this Act shall be at the cost of the petitioners; *provided* always, that any change of name under the provisions of this Act shall not, in any manner, affect or alter any right of action, legal process, or property.

Sec. 7. This Act shall take effect and be in force from and after the first day of May, one thousand eight hundred and fifty-eight.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

Approved—February twenty-six, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

Secretary's Office, Minnesota, February 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

Chas. L. Chase, Secretary.

CHAPTER XI.

An Act authorizing the Clerks of Courts to grant Orders of Publication.

Section 1. Clerks of Courts authorized to grant orders of publication same as Judges.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That the Clerks of the several Courts of this

Record thereof

SEC. 20. And the Justice shall receive and record the verdict of the jury in his docket, and enter a judgment according to the finding thereof, under the provisions of this Act.

No jury the justice to hear and decide

SEC. 21. In all cases where the defendant shall dispense with a jury, it shall be the duty of the Justice, after the parties are ready for trial, to proceed to hear all the proof and allegations of the parties, together with all the arguments against and for the defendant, and to assess the damages, and to render a judgment in dollars and cents, according to the evidence under this Act, and record the same in his docket book.

Execution—when returnable

SEC. 22. Upon the rendition of judgment as aforesaid against the defendant, the Justice shall issue an execution forthwith, directed to any constable of the county, and made returnable within thirty days from its date.

Levy—if no personal property defendant to be committed to jail

SEC. 23. Such execution shall be levied on personal property, but if no personal property be found, then in that case the constable shall take the body of the defendant, and convey him to the common jail of the County, there to remain until the execution shall be paid and satisfied. *Provided*, That defendant shall be allowed two dollars for [every] twenty-four hours until such debt and all costs shall be paid at that rate, which shall fully discharge defendant from all liability for debt and costs, and in case of such discharge therefrom by the jailer, it shall be the duty of the County Commissioner's Court to pay all costs in such case to the Justices, constables and witness out of any moneys in the county treasury not otherwise appropriated, as they may by law be entitled to.

Provision for release—costs to be paid by counties

SEC. 24. The execution shall be in the following form as near as may be, to wit:

STATE OF MINNESOTA, } ss.
County. }

The State of Minnesota, to any constable of said County, greeting:

Execution—form of

You are hereby commanded that of the goods and chattels of in your county, you make the sum of debt, and costs, which the State of Minnesota lately recovered before me in a certain plea, against the said and hereof make a return to me within thirty days from this date, and if no goods or chattels can be found, or not sufficient to satisfy this execution, you are further commanded to take the body of the said if he can be found within the State of Minnesota, and convey him to the common jail of the said county, there to remain until this execution shall [be] satisfied and paid.

Given under my hand this day of A. D. 18 .

J. P.

Appeals

SEC. 25. Appeals from judgments of Justices of the Peace to the District Court, shall be granted in all cases,

except on judgments confessed: *Provided*, The complainant on the part of the State, or the defendant shall in all cases give notice of their intention to take such appeal, at the time of the rendition of such judgment, and within ten days thereafter enter into bonds, in accordance with the statute in such case made and provided.

Sec. 26. It shall be the duty of any constable into whose hands any execution shall come forthwith to proceed to levy the same, endorsing on the back of the execution the date of such levy, and making an exact inventory of the property on which the same shall have been levied; and shall appoint a day and hour for the sale of such property, giving ten days' previous notice of the place and hour between the hours of nine o'clock A. M., and four o'clock P. M., by advertisement in writing, to be posted up in at least three of the most public places in the neighborhood, and on the day so appointed, the said constable shall sell the property so levied on, or so much thereof as may be necessary to satisfy the execution, to the highest bidder for cash, and make return according to law.

Constable's duty on receiving execution

Sec. 27. The Constable shall pay over the debt to the county treasurer, and take duplicate receipts therefor, and file one with the auditor of the county funds, and the other return with the execution to the Justice who issued it, with all costs, and the Justice upon the receipt of such fees, shall, when called upon, pay the same to the person entitled thereto.

Constable's duty on satisfaction of execution

Sec. 28. Justices shall have discretion to hold defendant in custody a reasonable length of time to procure witnesses, not to exceed three days. But no continuance can be granted unless a recognizance is entered into with good security.

Procurement of witnesses

Sec. 29. When any juror or witness shall, after being duly served with process, fail or refuse to attend according to law, it shall be the duty of the Justice to issue an attachment at the request of the party requiring the attendance of such witness or juror before the first or second Justice of the Peace, as provided in this Act, directed to any constable of said county, commanding him forthwith to bring before such Justice the body of such juror or witness, to show cause why he should not be fined for such contempt, and on the appearance of such juror or witness, on such attachment, it shall be lawful for the Justice of the Peace to fine him in any sum not less than one dollar, nor more than ten dollars, or wholly discharge him if satisfactory excuse be made.

Failure of jurors or witnesses to appear

Attachment

The following fees shall be allowed to the officers, jurors, and witnesses, under this Act, to wit:

JUSTICES' FEES.

Fees under this act

For each complaint under oath,	25	cents.
For warrant,	25	"
For subpœna for one witness,	15	"

For each additional one,..... 5 Cents.
For each venire,..... 25 "
For administering an oath,..... 5 "
For docketing each suit and filing all papers,..... 50 "
For entering each verdict of a jury,..... 25 "
For entering each judgment,..... 25 "
For each continuance,..... 10 "
For recognizance,..... 50 "
For order for appeal,..... 25 "
For appeal bond,..... 25 "
For each transcript certificate with all papers sent to a Justice or Clerk,..... $1,00.

CONSTABLES' FEES.

For serving each warrant,..... 25 "
For serving subpœna on each witness,..... 10 "
For serving venire,..... 50 "
For serving and returning execution,..... 50 "
For each mile of necessary travel from Justice's office to the residence of defendant or any witness, one way only,..... 10 "
For attending jury trial,..... 50 "
For advertising property on sales,..... 25 "

For selling property, ten per cent. on all sales of fifty dollars and under, and five per cent. on all sums above that amount.

For taking defendant to jail, both going and coming from the Justice's office to the prison or jail, ten cents per mile.

For serving attachment on juror and witness, each, twenty-five cents.

JURORS' FEES.

To each juror per day,..... 75 cents.

WITNESS' FEES.

For each witness per day,..... 75 cents.

All the foregoing fees shall be taxed against the defendant, if found guilty.

SEC. 30. This Act shall take effect, from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XVIII.

An Act to provide for the location of the County Seat in the counties of this State.

SECTION 1. Petition of one-half of voters of a county to authorize an election on County Seat.
2. Form of ballot to be voted.
3. Manner of Canvassing the votes.
4. Votes on County Seats to be governed by this Act.
5. County Seat being removed, county officers to remove to new location within twenty days.
6. Special Acts of this session repealed.
7. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Petition for vote

SECTION 1. That when a number of legal voters of any county in this State equal to one-half the highest number of votes cast at the next preceding general election, in such county, shall, at least thirty days previous to the next ensuing election, petition the County Commissioners of such county to be allowed to vote on the removal or location of the County Seat of such county, to any point within such county, the said Commissioners shall cause to be inserted in the notices for the next general election, an article requiring the voters of such county to vote on the removal of the County Seat to the point named in the petition. That only one point of removal shall be voted for in each year, and that point shall be the one presenting the largest number of petitioners; *Provided*, That the same point was not voted for at the last preceding election, and that it shall be lawful for said petitioners to deposit any sum of money or bonds, with the County Treasurer, which they may propose to donate for the erection of public buildings at the point petitioned for.

Commissioners to give notice of vote

One point of removal to be voted for

Money may be donated to county seat

Ballot—form of

SEC. 2. The voters of any county so notified, shall vote at the next general election on the removal of their County Seat, by ballot, written or printed, as follows: "For County Seat at ———," (filling the blank with the place named in the petition,) or "Against County Seat at ———," (filling the blank as above,) and if a majority of the votes cast are for the point named in the petition, then that place shall be the County Seat, otherwise the County Seat shall remain as above.

Canvass of votes

SEC. 3. The votes for and against the removal of the County Seat shall be returned and canvassed in the same manner as the votes for county officers.

This act to govern all changes

SEC. 4. No County Seat in any county in this State shall be removed in any other manner than that prescribed in this Act, except by the amendment or repeal of this Act.

County officers to remove to new location

SEC. 5. If, on canvassing the votes, a majority of them are found to be in favor of removal, then all the county officers who are required to hold their offices at the County Seat, shall, within twenty days after such canvass, move their offices to the point so elected as the County Seat.

Special acts of this session repealed

SEC. 6. All special acts passed by this Legislature providing for submitting to a vote of the people the removal of the County Seat, in any county in this State, organized previous to the first day of December, A. D. 1857, are hereby repealed.

SEC. 7. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighteenth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
March 18, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XIX.

An Act for the Protection of Game.

SECTION 1. Prohibits killing of Deer and Elk between first of February and first of September—Penalty.
2. Prohibits killing of Grouse, Prairie-chickens, Partridge or Quail from the fifteenth of February to the fifteenth of July.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Killing of deer or elk—penalty

SECTION 1. That if any person shall, within this State, kill any deer or elk between the first day of February and the first day of September following, he shall, for every such offense, forfeit and pay the sum of fifteen dollars, to be collected by a civil action before any Justice of the Peace having jurisdiction thereof, which sum so recovered, shall be paid by such Justice to the proper officer, for the use of common schools in the school district where the offense was committed.

SEC. 2. If any person shall, within this State, shoot, trap or kill in any manner, any grouse, prairie-chicken, partridge or quail between the fifteenth day of February and the fifteenth day of July following, he shall for every such offense, forfeit and pay the sum of five dollars, to be collected in the same manner and paid over to the same use as is provided in the preceding section. Killing of grouse &c—penalty

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro. tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro. tem.* of the Senate.

APPROVED—March eight, eighteen hundred and fifty-eight.
CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XX.

An Act to provide for the Qualification of Clerks of the District Court.

SECTION 1. Clerks of Court to take oath of office—form of oath.
2. Duties and powers, same as prescribed in Revised Statutes of the Territory of Minnesota.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That any person who has been or who shall hereafter be elected to the office of Clerk of the District Court in this State, shall, before entering upon the discharge of the duties of his office, take and subscribe to an oath or affirmation of office before a Justice of the Peace, or some other person authorized by law to administer oaths, which oath or affirmation shall be in the following form, to-wit: I ——, do solemnly swear (or affirm, as the case may be,) to support the Constitution of the United States, and of the State of Minnesota, and faithfully and impartially discharge the duties of the office of Clerk of the District Court for the Clerk of court to take oath

Form of oath

County of—— to the best of my knowledge and ability, during my continuance therein, so help me God, (or under the pains and penalties of perjury,) which oath or affirmation shall be endorsed upon the certificate of his election and filed in the office of the Register of Deeds of his proper county.

To be filed with register of deeds

SEC. 2. The duties, powers and compensation of the several Clerks of the District Court, shall be the same as now prescribed by the Revised Statutes of the Territory of Minnesota, for such officers, until otherwise provided by law.

Duties of clerks—see revised statutes

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXI.

An Act for the Establishment of a State Agricultural College.

SECTION 1. Location of Site for an Experimental Farm and Agricultural College.
2. Appropriations to be made by the Legislature for the erection of buildings, &c.
3. The College to be styled "The Agricultural College of the State of Minnesota."
4. Board of Education—Manner of Election—Duration of Office.
5. Course of Instruction—Professorships—Proviso as to Salaries—Tuition free—Equalization of Pupils throughout the State.
6. Scholastic Terms.
7. Rules as to hours of Study and Manual Labor.
8. Officers of Board of Education—By-Laws and Rules for Government of College—how adopted.
9. Duties of the President of the Board.
10. " " Secretary.
11. " " Treasurer.
12. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much of section sixteen, in township

one hundred and fifteen, range twenty eight, as may be purchased by the State of Minnesota, and all lands adjacent that may be donated, the quantity of said donation to be not less than three hundred and twenty acres, be, and the same is hereby set aside for the purpose of an Experimental Farm and site for an Agricultural College, which shall be under the control of the president and executive committee of the State Agricultural Society. Location of site farm and college

SEC. 2. It shall be the duty of the Legislature to make such appropriations, from time to time, as may be necessary, or at such times as the president and executive committee of the State Agricultural Society may recommend, for the erection of the buildings, purchase of furniture, necessary apparatus, library and implements, and such other necessary expenses to be incurred in the establishment and successful operation of said school. Appropriations to be made for buildings, &c

SEC. 3. There shall be established on the above named section, or on the lands immediately adjoining, under the direction and supervision of a board of education, hereinafter specified, an agricultural school by the name and style of the Agricultural College of the State of Minnesota, and the chief purpose and design of which shall be to improve and teach the science of Agriculture. Name and style o college

SEC. 4. The Board of Education shall consist of twelve members, four of whom shall be annually elected by the members of the State Agricultural Society at their quarterly meeting. *Provided*, That at the first annual meeting after the passage of this Act, there shall be elected twelve members, of whom four shall be elected for three years, four for two years, and four for one year. Board of education—how elected —term of office

SEC. 5. The course of instruction in said College shall include the following branches, viz: An English and Scientific course, Natural Philosophy, Chemistry, Animal and Vegetable Anatomy and Physiology, Geology, Mineralogy, Veterinary Art, Mensuration, Leveling and Political Economy, with Book-keeping and the Mechanic Arts that are directly connected with Agriculture, and such other studies as the Board of Education may from time to time see fit to prescribe, having reference to the objects specified in the previous section; and the said Board may establish such professorships, and employ such professors and teachers, to be called the Board of Instruction of said College, for the instruction aforesaid, as they may judge best for such object. *Provided*, That the sum paid such professors and teachers for the first year after said College shall go into operation, shall not exceed the sum of five thousand dollars, and for the next year not exceeding six thousand dollars; and for any year thereafter, such a sum as the Board of Education may deem necessary for the successful operation of the Institution. Tuition in said Institution shall be for ever free to pupils of this State, and any number of pupils may be admitted who Course of study Professorship Salaries of teachers Tuition fee

Equable distribution of scholars

shall apply from any part of this State. *Provided*, That in case more pupils apply than can be accommodated or taught, then said Board shall adopt some equitable plan, giving to each county a number equal to the ratio of population, as it shall appear from the census last taken; and in that case, those from each county shall be admitted in the order in which they shall apply, until the quota of such county shall be full.

Scholastic terms

SEC 6. There shall be two scholastic terms in each year; the first term commencing on the first Wednesday in April, and ending on the first Wednesday in October; the second term commencing the last Wednesday in December and ending on the last Wednesday in February, and no pupil shall be received for less than one term unless by special permission from the Board of Instruction.

Hours of study and manual labor

SEC. 7. The Board of Education, upon consultation with the Board of Instruction, shall, from time to time, fix and establish rules as to the number of hours which shall be devoted to manual labor and to study, which may be different in different terms or seasons; but during the first term in each year, the time devoted to labor shall not be less than three nor more than four hours each day; and no student or pupil of said College shall be exempt from such labor except in case of sickness or other infirmity.

Board of education their powers and duties

SEC. 8. The Board of Education shall appoint one of the professors in said college to be the President thereof, and one to be its Secretary, and one to be its Treasurer, and the Board of Instruction may establish such rules and regulations from time to time, for the government of said college and instruction therein, as they may deem proper in any manner not regulated by the Board of Education; and the rules and regulations adopted by such Board of Instruction, shall remain in full force until altered by said Board of Education. And said Board of Instruction shall have power, subject to the approval of the Board of Education, to establish By-Laws for the government and discipline of the pupils of said college, in regard to conduct, behavior, and to affix such pecuniary penalties as they may deem proper, and to prescribe the causes for expulsion or dismissal of any such pupil; which By-Laws shall have the force of law, unless altered, modified, or repealed by the Board of Education or the Legislature; and the Board of Education shall fix the compensation to be credited or paid for the labor performed by pupils, under the provisions of Section seven of this Act.

Compensation for labor of pupils

President his duties

SEC. 9. The President of said Board of Instruction shall preside at all meetings of said board, except in case of sickness or absence, in which case the board may elect one of their number President *pro tempore;* and it shall be the duty of the President to see that all the regulations established by this Act, by the Board of Education and by the Board of Instruction in regard to the government and instruction of said college be enforced.

SEC. 10. The Secretary of said Board of Instruction shall record all proceedings of said board, and all regulations and by-laws for the government of said college, and shall publish the same and furnish a copy thereof to the Governor of the State, to each member of the Board of Education, to the County Clerk of each county, and the clerk of each organized Township in this State. He should also keep a careful account in connection with each field, in connection with a plan of the farming lands, or farm, exhibiting the position of each, in which shall be shown the manner and cost of preparing the grounds, the kind of crop, time of planting or sowing, the after condition, the time and manner of harvesting, the labor devoted to each process and its cost price, with the cost of preparing and maturing crop for market, and the price for which it was sold, and of such other matters as the Board of Education and Instruction, or either of them, may require of him; and he shall furnish a copy thereof at the end of each term to the President of the Board of Education; and the record shall at all reasonable hours, be open to the inspection of any citizen of this State.

Secretary his duties

Account of crops &c

SEC. 11. The Treasurer shall receive and keep all moneys arising from the sale of products of the Farm, and from fines and penalties that may be imposed, and shall give bonds in such sum as the Board of Education may require. He shall pay over all moneys upon the warrant of the President, countersigned by the Secretary, on account of such contingent expenses of the institution as may arise. He shall render annually, in the month of December, to the Board of Education, and as often as may be required by said Board, a full and true account of all moneys received and disbursed by him; stating for what recovered and paid, and shall also produce vouchers for such payments. The surplus money, if any remain in his hands at the time of rendering such account, shall, if required by said board, be paid over to the State Treasurer, to be placed to the credit of said institution.

Treasurer his duties

SEC 12. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March tenth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
March 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXII.

An Act providing for the Transfer of the Records of the late Territorial Courts to the State Courts.

SECTION 1. Transfers Proceedings and Records from the Territorial Supreme Court to the State Supreme Court.
2. Transfers Records and Proceedings from Territorial District Courts to State District Courts.
3. District Courts of the State to hear and determine the same.
4. Clerks of the District Court to demand Records from Territorial Courts, upon the order of the Judges.
5. Unfinished business before the late Supreme Judges to be transferred to District Judges, in the District where originated.
6. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Transfer of cases on supreme and court of territory to supreme court of state

SECTION 1. That all cases and proceedings pending in the late Supreme Court of the Territory, together with the records and files thereof, not transferred by any law of the United States to any Court or tribunal of the United States, and which are not cognizable in the Courts of the United States, shall be and are hereby transferred to the Supreme Court of the State of Minnesota, to be proceeded and finished or decided in the manner provided by law; and the said Supreme Court of the State shall take cognizance of all such cases, and shall proceed to hear and determine the same, and the mandates and all writs necessary to the exercise of the jurisdiction of the Supreme Court of the State in such cases; and the carrying into effect the judgments, orders and decrees thereon shall be directed to the District Court of the State and county in which said case or cases originated, and said District Courts of the State shall cause the same to be duly executed and obeyed. The said Supreme Court of the State shall also execute the mandates and writs of the Supreme Court of the United States in all cases of actions removed to that Court from said late Supreme Court of the Territory, as fully in all respects as the Supreme Court of the Territory could have executed the same had it not been superceded by the State Court.

Supreme court to execute mandates of U. S supreme court

Transfer from district courts of territory to those of the state

SEC. 2. That all and singular the records and files in the cases and proceedings pending in the several District Courts of the Territory of Minnesota, except such as are exclusively cognizable in the Circuit or District Courts of the United States, and all and singular the records of the proceedings in the several cases in which judgments or decrees have been ordered in said Courts, shall, from and after the passage of this Act, be transferred to and deposited in the District Courts of the State of Minnesota, in the counties respectively in which said actions or proceedings originated.

State courts to have jurisdiction of pending and undetermined actions in territorial courts

SEC. 3. That whenever the records of the proceedings in any action or proceeding now pending and undetermined in any of the District Courts of the Territory shall be transferred to and deposited in the District Courts of the State pursuant to the provisions of this Act, the District Court of the State to which the same has been so transferred, shall thenceforth be deemed to have jurisdiction of such action or proceeding, and shall take cognizance thereof and proceed to hear and determine the same; and from judgments or decrees rendered therein a writ of error may be sued out or an appeal may be taken to the Supreme Court of the State of Minnesota, which shall determine the cause in the same manner as if such judgment or decree had been rendered in the District Court of the State of Minnesota; and the mandates and all writs necessary to the exercise of the appellate jurisdiction of the said Supreme Court in such case shall be directed to the District Court of the State from which the said appeal was taken or to which the said writ of error was directed, and the said District Court shall cause the same to be duly executed and obeyed.

Appellate jurisdiction

Records &c. in possession of clerks of territorial courts to be given up on the order of district judges—refusal deemed contempt

SEC. 4. It shall be the duty of each clerk of the District Court of each county of the State, immediately after the passage of this Act, upon the order of the Judge of his district, to demand of the clerk of the District Court of the Territory of his county, or other person or officer having in his custody or possession, records of the proceedings referred to in the preceding section—the delivery of the said records to be deposited as in and by the preceding section of this Act required; and if such clerk or other person shall refuse to comply with such demand, such refusal shall be deemed a contempt of Court, and the said Judge making such order, is hereby authorized and required to compel the delivery of said records, by attachment or otherwise, according to law.

Unfinished business before supreme judges imposing special duties to be transferred to judge in district where trust is situated

SEC. 5. That any unfinished business or proceedings now remaining or pending before the late Supreme Court Judges of the Territory of Minnesota, or either of them, as Judge or Judges of the District Court of said Territory or otherwise, under any general law of the United States or of the Territory of Minnesota, or both, or under any other act or granting special powers or imposing special duties or trusts upon said Judge or Judges, be and the same is hereby transferred to the District Judge of the State of the District in which such business or proceedings originated or the subject of the trust is situated, to be proceeded in, finished, decided or executed, in the same manner provided for by the law; and the said District Judge of the State shall have, exercise and possess the same rights, powers and duties which have been possessed or exercised by the said Judges of the said Territory, so far as may be necessary to enable him to determine, execute and finish any such matter, business, trust or proceeding so pending and unexecuted, or undetermined as

aforesaid; any law of said Territory to the contrary notwithstanding.

SEC. 6. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WM. HOLCOMBE,
President of the Senate.

APPROVED—July the twentieth, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 20, 1858,

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary.

CHAPTER XXIII.

An Act amending an Act entitled a Bill for an Act relating to Public Roads.

SECTION 1. Proceeding necessary to have road laid out or discontinued. [Amendment to Sec. 4, Chap. 62, of Extra Session Laws.]
2. Manner of determining damages. [Amendments to Sections 9 and 16 of same Act.]
22. [Additional Sections to same Act.] Failure to elect Road Commissioners, County Board may appoint.
23. Provisions of Act inconsistent with amendments repealed.
24. Roads located under former laws, declared valid.
25. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the fourth (4) Section of said Act shall be so amended as to read as follows:

Proceedings to have road laid out or discontinued

SEC. 4. (4.) Whenever any twelve or more freeholders residing in any county, shall wish to have a road laid out, altered or discontinued in such county, they may make application in writing to the Road Commissioners of the county in which they reside, for that purpose; and the said commissioners shall proceed to lay out, alter or discontinue such [road,] if, in their opinion, the public good will thereby be promoted; and whenever said road shall be proposed to extend through more counties than one, the said Commissioners shall

notify the Commissioners of such counties of the time and place of meeting, and one Commissioner from each county shall meet at such time and place, and shall proceed to lay out, alter or discontinue such road, if, in their opinion, the public good will thereby be promoted.

Amendment to sec 9 & 10 of chapter 62 extra session laws

SEC. 2. That Sections nine and ten of the Act entitled a Bill for an Act relating to Public Roads, in Chapter sixty-two in the Session Laws passed at the extra session of the Legislature, in the year one thousand eight hundred and fifty-seven, is hereby amended to read as follows:

Damages may be determined by agreement

SEC. 9. Upon the laying out or altering any road in this State, or in case any road has already been laid out or altered, if damages shall be claimed therefor by any owner through whose land the same shall be laid, the amount of such damages may be determined by agreement between the Commissioners and such owner, provided the damages thus allowed by the Commissioners, shall not, in the aggregate, exceed two hundred dollars in any county, upon any one road so laid out or altered, or heretofore laid out or altered by them. Every such agreement shall be reduced to writing and signed by such owner and the Commissioners, and filed in the office of the Register of Deeds of the proper county; and every such agreement and every release of damages given, shall forever preclude such owner from all further claim for damages.

Agreement to be in writing and filed with register

Party desiring damages may demand jury to assess

SEC. 10. If any owner of land through which a road shall be laid out or altered, or has heretofore been laid out or altered, shall not be satisfied with the sum offered for damages by such Commissioner, or if no sum be offered, he may, within thirty days thereafter, apply to a Justice of the Peace of the same, or adjoining precinct, for a jury to assess and appraise such damages, which application shall be in writing, describing the premises; and any number of persons claiming damages on account of such road may join in such application. The Road Commissioners shall have at least six days notice of the time and place of such meeting.

Notice to Commissioners

County Commissioners authorized to appoint road commissioners when not elected

SEC. 22. If any organized county or counties shall have failed or neglect to elect the Road Commissioners mentioned in the first section [of this Act,] at the first general election after the passage thereof, the Board of County Commissioners of such county or counties, shall be, and they are hereby authorized to appoint said Road Commissioners, who shall hold their offices until the next general election subsequent to such appointment, and for such time till such election shall take place; and the appointment of any Road Commissioners of any organized county where no election of such Road Commissioners have been held, is hereby declared legal and valid to all intents and purposes.

Repeal of inconsistent provisions

SEC. 23. Anything in said Act, or any Act heretofore passed, inconsistent hereunto, is hereby repealed.

SEC. 24. All roads which have been located under former

Roads previously located declared valid

existing laws by county authorities, within this State, since the passage of the law authorising the election of Road Commissioners, approved May 23, A. D. 1857, all roads so located are hereby declared valid under the provisions of this Act.

SEC. 25. This Act shall be in full force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighth, eighteen hundred and fifty-eight.
CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS L. CHASE, Secretary.

CHAPTER XXIV.

An Act to provide for the Letting of the State Printing, Binding and Advertising.

SECTION 1. Proposals to be received for Printing and Binding for State. Specifications for bids—manner of receiving proposals.
2. Index to Laws, Journals and other documents to be furnished by Secretary of State; Laws to be published within ninety days thereafter.
3. Declares Laws, Journals, Documents and Advertisements, printed by the Public Printer, as official.
4. Accounts of Printer to be audited as work progresses, under certain regulations.
5. Repeals all acts and parts of acts, inconsistent with this Act.
6. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

State printing binding

SECTION 1. That the Printing, Binding and Advertising, for the Senate and House of Representatives, for the Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, for the School and Banking Departments, and all other printing, binding and advertising, for any and every one of the State officers which are now or may hereafter be created, and which may or shall be done under the authority and at the expense of the State of Minnesota, shall hereafter be done as follows: The State Auditor shall, on

the first Monday in July next, and biennially thereafter, forward by mail, for publication in one or more papers printed in each Senate District of this State, a notice specifying, as nearly as may be estimated, the kinds, character and quantity of printing, binding and advertising which will be required to be done for the State during the term of two years therein designated, and that on or before the first Monday in August next ensuing, and up to 12 M. of said day, the said Auditor will receive proposals from any person or persons actually engaged in the business of printing, publishing and binding, or either, within this State, for the execution of the said printing, binding, and advertising, or any portion of said printing, binding or advertising so required to be done; each of which said proposals shall be accompanied by a sworn statement to be made by the bidder or bidders, specifying the place where such printing, binding and advertising, or any portion thereof so bid for will be performed, and the facilities possessed by him or them for the execution thereof, together with the name and circulation of the paper in which the advertising will be published; and at the expiration of the time limited in said notice for receiving such proposals, the Auditor shall open the same, and award the said contract or contracts for said printing, binding and advertising to the lowest and best bidder or bidders for the whole or any portion of said printing, binding or advertising for said term of two years specified in said public notice: *Provided, however*, That no proposal shall be considered by the Auditor from any person or persons not actually engaged in such business of printing, publishing or binding, respectively, within the State, and that the bidder or bidders shall enclose with his or their proposals, a guaranty of such form and amount as shall be prescribed by the Auditor, that the person or persons making such bid or bids, will, if the same be accepted, enter into a contract according to the terms thereof, and give security in a bond to the people of the State of Minnesota, in a penalty not less than double the estimated sum to which the contract so awarded will amount, to be determined by the Auditor, the form of which bond shall be prescribed by, and the sureties of which shall be satisfactory to such Auditor, conditioned for the faithful performance of the requirements of such contract; which bond, together with the contract, shall be deposited in the office of the Secretary of State: *Provided, further*, That nothing herein contained shall be construed to interfere with the rights, emoluments and duties of the present State Printer, the Incidental Printer of the two Houses, and the State Binder, during the term for which they have been respectively elected.

Public notice for proposals

Length of contract

Specifications

Sworn statement of facilities]

Advertising—circulation of paper

Award of contract

Proviso

Bonds to accompany each bid

Proviso as to rights of present state printer and binder

SEC. 2. The Secretary of State shall annually cause indexes to the Laws, Journals and Documents of the two Houses to be prepared as soon as practicable after the adjournment of each session of the Legislative Assembly, and

Indexes to Laws & Journals—publication of laws &c

the said Laws, Journals and Documents, shall be printed and bound within ninety days after the copy and such indexes are furnished to the contractor or contractors for the printing thereof.

Publication of Laws &c to be taken as official

SEC. 3. All Laws, Journals, Documents and Advertisements, printed and published by the person or persons receiving the contract therefor, shall be deemed to be officially printed and published, and full faith and credit shall be given to them as such, in all places whatsoever.

Auditing of accounts—issuing of warrants

SEC. 4. The State Auditor shall have authority, and it is hereafter made his duty, during the progress of the public printing and binding, and in accordance with such regulations as will secure the State from loss, to audit the accounts for the State printing and binding, and to issue his warrants therefor, against any moneys in the State Treasury which may have been appropriated for such purpose, to the amount of seventy-five per cent. of the printing or binding so done and audited; but the said Auditor shall withhold his warrants for the remaining twenty-five per cent. on each job of printing and binding, until the whole of such job shall be completed and delivered to the proper officer authorized to receive the same.

Repeal of other acts

SEC. 5. All acts and parts of acts, contravening the provisions of this Act are hereby repealed.

SEC. 6. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March tenth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary

CHAPTER XXV.

An Act to make certain Appropriations for the Current Expenses of the State.

SECTION 1.	Payment of members and officers of the Legislature,	$40,000 00
2.	Payment of members, &c. of Constitutional Convention,	55,000 00
3.	Payment of interest on Territorial Bonds,	4,000 00
4.	Payment to Goodrich, Somers & Co. for Territorial Printing,	4,221 10
5.	Payment to same, for Territorial Binding,	974 50
6.	Payment to same, for publishing Supreme Court Reports,	3,500 00
7.	Appropriation to conclude publication of Constitutional Convention Debates,	9,500 00
8.	Appropriation for Incidental Printing and Binding, of Legislature of 1858,	15,000 00
9.	Manner of payment of appropriations.	
10.	Appropriation to Board of Canvassers,	479 00
11.	Stationery for members of Legislature,	3,000 00
12.	Act to take effect on passage.	

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of forty thousand dollars ($40,000) or as much thereof as may be necessary, be and the same is hereby appropriated to be applied to the payment of members and officers of the present Legislature. Members of Legislature

SEC. 2. That the sum of fifty-five thousand dollars, or so much thereof as may be necessary, be and the same is hereby appropriated for the payment of the members, officers, and incidental expenses of both branches of the Constitutional Convention held in St. Paul in July and August, 1857. Constitutional Convention

SEC. 3. That the sum of four thousand, eight hundred dollars be and the same is hereby appropriated for the payment of the principal and interest of bonds issued by Act of the Territorial Legislature approved May 23d, 1857, and falling due on or about May 23, 1858, to be paid to the holders of said bonds or their legal representatives on the said day of maturity. Interest on territorial bonds

SEC. 4. That the sum of one thousand seven hundred and sixty-five dollars and eleven cents ($1765 11) be and the same is hereby appropriated to Goodrich, Somers & Co. assignees of Earle S. Goodrich, for preparing sectional headings, side-notes, and index, and for copying and printing the Laws of the Extra Session of 1857; and the further sum of five hundred and forty-five dollars and forty-nine cents ($545 49) for printing the Journals of the Council and House of Representatives for the Extra Session of 1857; and the further sum of three hundred dollars for copying and preparing sectional headings, side-notes and index to the Laws of the Regular Session of 1857; and the further sum of one thousand, six hundred and ten dollars and Territorial printing

fifty cents ($1,610 50) for publishing the Laws of the Regular and Extra Sessions of 1857 in the Pioneer and Democrat.

Territorial binding

SEC. 5. That the sum of nine hundred and seventy-four dollars and fifty cents ($974 50) be and the same is hereby appropriated to Goodrich, Somers & Co. assignees of M. H. Abbott, for binding the Laws and Journals of the two houses for the Extra Session of 1857, and for the incidental binding of said session.

Supreme court reports

SEC. 6. That the sum of three thousand five hundred dollars, or so much thereof as may be necessary, be appropriated to Goodrich, Somers & Co. for the publication of the Supreme Court Reports now in course of printing.

Constitutional debates printing

SEC. 7. That the further sum of two thousand, five hundred dollars, or as much thereof as may be necessary, be and the same is hereby appropriated for concluding the publication of the Debates and Journals of the Constitutional Convention presided over by Hon. H. H. Sibley; and the further sum of seven thousand dollars, or as much thereof as may be necessary, for the printing and publication ordered by, and incidental to the business of the Constitutional Convention presided over by, Hon. St. A. D. Balcombe.

Incidental printing of the legislature

SEC. 8. That the sum of fifteen thousand dollars be and the same is hereby appropriated for the payment of the incidental printing and binding of the current session of this Legislative Assembly.

Payment of members of the legislature

SEC. 9. That the appropriations specified in Sections one and two of this Act be paid by the Treasurer out of any moneys coming into the Treasury not otherwise appropriated, upon presentation of certificates signed by the presiding officers and attested by the Secretaries of the respective bodies named in said sections; and that all other bills and demands for which moneys are herein appropriated shall be audited by the officers appointed by law and shall be paid only on certificates being duly issued.

Payment of the other appropriations

Board of canvassers

SEC. 10. The further sum of one hundred and five dollars to Samuel Medary, as member of the Board of Canvassers; to Joseph R. Brown, for mileage and per diem, as member of the Board of Canvassers, one hundred and forty-four dollars; to Thomas J. Galbraith, for mileage and per diem as member of the Board of Canvassers, one hundred and fifteen dollars; to Wm. F. Wheeler, for services as Secretary to the Board of Canvassers, one hundred and fifteen dollars.

Stationary

SEC. 11. The further sum of three thousand dollars is appropriated to pay the stationery and postage certificates ordered by the House and Senate of the present Legislature.

SEC. 12. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
JAMES RIDPATH,
President *pro tem.* of the Senate.

APPROVED—February eleven, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
February 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXVI.

An Act to appropriate money for certain purposes therein named.

SECTION 1.	Per diem, mileage and stationary of Legislature, - - -	$30,00
2.	Salary of Governor and contingent fund for 1858, - - -	3,500
3.	Salary of Secretary of State for 1858, - - - - - -	1,500
4.	Salary of Attorney General for 1858, - - - - - -	1,000
5.	Salary of State Treasuror for 1858, - - - - - -	1,000
6.	Salary of State Auditor for 1858, - - - - - - -	1,000
7.	Salary of Judges of Supreme Court, - - - - - -	7,500
	Salary of Clerk of Supreme Court and contingent fund, - -	2,600
8.	Salary of District Court Judges, - - - - - - -	12,000
9.	Sundry Appropriations for Legislative expenses, &c. - - -	48,577 48
10.	Act takes effect on passage.	

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of per diem, mileage, stationary, and postages of the members and officers of the present Legislature. Legislative fund

SEC. 2. The sum of two thousand five hundred dollars is appropriated for payment of the Governor's salary for the present year, and the sum of one thousand dollars is also appropriated to the order of the Governor as an executive contingent fund for State purposes. Governor's salary and contingent fund

SEC. 3. The sum one thousand five hundred dollars is hereby appropriated for the salary of the Secretary of State for the present year. Secretary of state

SEC. 4. The sum of one thousand dollars is hereby appropriated for the payment of the salary of the Attorney General for the present year. Attorney general

SEC. 5. The sum of one thousand dollars is hereby appro-

Treasurer

priated for the payment of the salary of the State Treasurer for the present year.

Auditor

SEC. 6. The sum of one thousand dollars is hereby appropriated for the payment of the salary of the State Auditor for the present year.

Judges and clerks of supreme court

SEC. 7. The sum of seven thousand five hundred dollars, or so much thereof as may be necessary, is hereby appropriated for payment of the salaries of the Judges of the Supreme Court, and one thousand eight hundred dollars, or so much thereof as may be necessary for the payment of the salary of the Clerk of the Supreme Court; also, two hundred dollars for contingent expenses of said Court.

Judges of district court

SEC. 8. The sum of twelve thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of the salaries of the Judges of the District Court.

SEC. 9. The following sums are likewise hereby appropriated, to be paid out of any moneys in the Treasury, not otherwise appropriated, on presentation of proper vouchers, or certificates for the same, to wit:

Lithographing

For expenses of lithographing and issuing treasury drafts, a sum not exceeding twelve hundred dollars.

Engraving bonds

For expenses incidental to the engraving and negotiating $250,000 of State Bonds, a sum not exceeding fifteen hundred dollars.

Safe for treasurer

For the purchase of a fire and burglar proof iron safe, for the office of the State Treasurer, a sum not exceeding six hundred dollars.

Clerk for treasurer

For clerk hire in the office of the State Treasurer, a sum not exceeding fifteen hundred dollars.

Clerk for auditor

For clerk hire in the office of the Auditor [of State,] a sum not exceeding five hundred dollars.

Contingent funds for auditor and treasurer

For contingent fund to the order of the Auditor of State, to be used for State purposes, three hundred dollars.

For contingent fund to the order of the State Treasurer, to be used for State purposes, three hundred dollars.

Interest on territorial bonds

For unappropriated balance to meet principal and interest of bonds issued by Act approved May 23, 1857, and falling due May 27, 1858, three hundred dollars.

Interest on state loan

For the payment of the first instalment of interest on proposed loan of $250,000, the sum of twelve thousand five hundred dollars, or so much thereof as may be required.

Supreme court reports

For bringing up and completing the Supreme Court reports, ordered by Act of February 28, 1856, six hundred dollars.

Repairs on capitol

For necessary repairs and care of the Capitol, to be expended at the discretion of the Governor, the sum of five hundred dollars.

Printing journal and laws

To Earle S. Goodrich, for printing 3000 copies of Session Laws, and 1000 copies of the Journal of each House Session of 1858, the sum of ($10,000) ten thousand dollars, or so much thereof as may be necessary.

To E. C. Rich, in full for furniture furnished Capitol, one hundred and fifteen dollars. Furniture

To H. E. Baker & Co., in full for hardware, stoves, &c., furnished House and Senate up to date, one hundred and fifty-six dollars and seventy-three cents. Stoves &c.

To S. S. Gale & Co., in full for candles furnished Capitol, the sum of fourteen dollars. Candles

For unpaid balance due W. A. Hotchkiss, or assignees, for printing Journals and Session Laws of the Sixth Session of of the Territorial Legislature, and preparing indexes, &c., four thousand seven hundred and four dollars and three cents, to be paid out of the Legislative fund for the year 1859. Territorial printing

To C. L. Emerson, for balance due him for the incidental printing of the Territorial Legislature of 1855, and appropriated by said Legislature to the name of Hotchkiss, Staples & Jones, to be paid out of the sum appropriated by Congress for said Session, and still unpaid, the sum of four thousand five hundred and fifty-two dollars and eight cents; also, to the said C. L. Emerson, the further sum of one hundred and eight dollars and fifty-cents, for newspapers furnished the members of said Legislature, being a sum also found to have been appropriated out of said Congressional fund, and unpaid, said sums to be paid out of the Legislative fund for the year 1859. Territorial printing

To W. F. Wheeler, for copying Memorials to Congress for this Legislature, twenty-five dollars. Copying memorials

To Earle S. Goodrich, for newspapers furnished members of this Legislature, three thousand three hundred and fifty-seven dollars and ninety-seven cents. Newspapers for legislature

To. J. W. Brockett, for extra services as Clerk of the Council, 1857, appropriated from Congressional fund unpaid, the sum of fifty dollars. Clerk of council for 1857

To Goodrich, Somers & Co., for publishing Session Laws of 1858, $234 75. Session laws 1858

To T. M. Newson, for newspapers furnished members of the Legislature, nine hundred and seven dollars and eighty-four cents; also, to the same, the further sum of forty dollars for publishing Loan Act. Papers and loan bill

To Saint Paul Advertiser, for newspapers furnished members of this Legislature, one hundred and thirty-two dollars and forty-two cents; and to the same, twenty-five dollars for publishing $5,000,000 Loan Bill. Newspapers and loan bill

To Nicols, Kinne & Co, for hardware, spittoons, &c., furnished Capitol buildings, thirty-two dollars and fifty cents. Spittoons &c

To Golcher & Simpson, as payment in full for locksmith work, &c., fifty-nine dollars and fifty cents. Locksmith work

To Parker Paine, in full for firewood furnished Capitol by W. C. Gray, four hundred and thirty-eight dollars. Wood

To J. W. Crosby, for repairing plastering in Capitol building, twenty-eight dollars. Plastering

Fire in com rooms

To John Young, for making fires in the Committee rooms, at fifty cents per day, twenty-five dollars and fifty cents.

Territorial printing

To Owens & Moore, assignees of Thos. Foster, for unpaid balance of account for incidental printing of the House of Representatives of 1857, the sum of eight hundred and one dollars and two cents.

Maps

To Holmes, Payte & Buechner, as payment in full for two Maps of Minnesota furnished House of Representatives, the sum of three hundred dollars.

Newspapers

For newspapers furnished members of the Legislature, for which vouchers have not yet been sent in, one thousand dollars, or as much thereof as may be necessary.

Stationery for clerk of house

To Combs & Brother, for stationery, &c., furnished the order of the Chief Clerk of the House of Representatives, seven hundred dollars and thirty cents.

For secretary of senate

To Combs & Brother for stationery, &c., furnished to the order of the Secretary of the Senate, three hundred and fifty dollars and seventy cents.

Maps

To Sewall & Iddings, in full, for Map furnished Senate, one hundred and fifty dollars.

Newspapers

To Foster & Moore, for newspapers furnished the members of the present Legislature, six hundred and ninety-nine dollars and eighty-four cents.

Newspapers

To Glencoe Register, for newspapers furnished members and officers of this Legislature, twenty-one dollars and eighty cents.

Newspapers

To the Henderson Democrat, for newspapers supplied members of the Legislature, 1857–1858, the sum of twenty-seven dollars.

Sawing wood

To James Burns, the sum of $20 for sawing wood for the Capitol.

SEC. 10. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twenty, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXVII.

An Act Providing for the Appointment of Notaries Public and Prescribing their Duties.

SECTION 1. Authorizes the appointment of Notaries Public, by the Governor, to be confirmed by the Senate.
2. Term of office to be two years—bond to be filed and an oath of office taken.
3. Official Seal to be procured—form of seal.
4. Powers of Notaries, to administer oaths, take and certify depositions, acknowledgments, deeds, and other instruments of writing.
5. Manner of protesting Bills of Exchange or Notes.
6. Instrument of Protest to be received as *prima facie* evidence by courts,
7. Fees of Notaries—in taking depositions may compel the attendance of witnesses—sheriffs and constables to serve and return process.
8. No Banker, Broker or officer, or agent of Bank, to be appointed Notary.
9. Penalty for extortion, or unfaithful discharge of duty.
10. Terms of office of Notaries heretofore appointed.
11. Repeals Article 6, of Chapter 4, of Revised Statutes, and all amendments thereto.

Be it enacted by the Legislature of the State of Minnesota :

SECTION. 1. That the Governor be and is hereby authorized to appoint and commission as Notaries Public, by and with the advice and consent of the Senate, as many citizens of this State, having the qualifications of electors, residing in the several counties of this State, as he may deem necessary. Who may be appointed notaries

SEC. 2. That each Notary Public, so appointed and commissioned, shall hold his office for the term of two years, unless sooner removed by the Governor or the District Court ; and that before entering upon the duties of his office, he shall give a bond to the State of Minnesota, in the sum of one thousand dollars, with security, to be approved by the Governor, conditioned for the faithful discharge of the duties of his office, and he shall take and subscribe an oath or affirmation, to be endorsed on his bond, that he will support the Constitution of the United States, and of this State, and that he will honestly, faithfully and impartially discharge and perform all the duties of his office to the best of his ability, and the same shall be deposited in the office of the Secretary of State. Term of office Bond and oath of office

SEC. 3. That each Notary Public, before entering upon the duties of his office, shall provide himself with an official seal, with which he shall authenticate his official acts, upon which shall be engraved the Arms of this State, the words "Notarial Seal" and the name of the county [in] which he resides, which seal, together with his official register, shall be exempt from execution ; and on the death or removal from office of such Notary Public, his register shall be deposited Official seal—form of

in the office of the Clerk of the District Court of the county in which such Notary resides; *Provided*, That it shall be lawful for any Notary Public, already duly commissioned and qualified as such, to use, in the authentication of his official acts, a seal of the similitude of those authorized by law previous to the passage of this Act; *And Provided further*, that whenever it shall be necessary for any such Notary Public to procure a new seal, such new seal shall be of the description hereinbefore designated.

Powers of notaries

SEC. 4 That each Notary Public so appointed, commissioned and qualified, shall have power, within this State, while residing within the county for which he was appointed, to administer all oaths required or authorized by law to be administered in this State, to take and certify depositions to be used in any of the Courts of this State, to take and certify to all acknowledgments of deeds, mortgages, lien, powers of attorney, and other instruments of writing, and to receive, make out and record notarial protests.

Form of protesting notes

SEC. 5. It shall be the duty of each and every Notary Public, when any bill of exchange or promissory note be by him protested for non-acceptance or non-payment, to give notice thereof in writing to each party protested against, immediately after such protest shall have been made; and the Notary shall in such instrument of protest, certify to the time and manner of the service of such notice upon the several parties so protested against; and the Notary shall make record of such instrument of protest, in his official register, which record, or a duly certified copy thereof, shall be *prima facia* evidence of the facts therein contained.

Instruments or protests to be received as *prima facie* evidence

SEC. 6. That the instrument of protest of any Notary Public, appointed and qualified under the laws of this State or the laws of any other State or Territory of the United States, accompanying any bill of exchange or promissory note, which has been protested by such Notary for non-acceptance or for non-payment, shall be held and received in all the Courts of this State as *prima facia* evidence of the facts therein certified: *Provided*, That any party may contradict, by other evidence, any such certificate.

Fees for protests

SEC. 7. That for each oath or affirmation administered and certified, the Notary Public shall receive twenty-five cents, and no more; for the presentment, demand, notice to drawers and endorsers, and instrument of protest of each bill of exchange or promissory note, he shall receive the sum of one dollar; and for recording each instrument required by law to be recorded by him, ten cents for each one hundred words, and no more; for taking and certifying acknowledgements of deeds, mortgages, liens, powers of attorney, and other instruments of writing, and for the taking and certifying depositions, he shall receive the same fees as may be allowed by law to Justices of the Peace for similar services; and in taking depositions, he shall have the same power to compel the at-

Fees for recording other instruments &c

tendance of witnesses, and punish witnesses for refusing to testify, which may be vested by law, in Justices of the Peace; and all Sheriffs and Constables, and Sheriffs in this State, are hereby required to serve and return all process issued by such Notaries in taking depositions.

Power to compel attendance of witnesses

SEC. 8. That no banker, broker, or officer, stockholder, attorney, clerk, or agent of any bank, banker or broker, shall be appointed to or shall hold the office of Notary Public in this State.

No banker or other person connected therewith to be appointed

SEC. 9. That any Notary Public who shall charge or receive any fee or reward for any act or service done or rendered by him under this Act, greater than the amount herein limited, or who shall dishonestly or unfaithfully discharge any of his duties as Notary Public, shall on complaint filed and substantiated in like manner as other cases, in the District Court of the county in which he resides, be removed from his said office by such Court; and the Court shall thereupon certify the fact of such removal to the Governor, and the party so removed shall be thereafter ineligible to a reappointment to the office of Notary Public in this State.

Overcharging fees or malfeasance in office subject to removal from office

SEC. 10. The term of office for all Notaries Public appointed prior to the 25th day of May, A. D. 1858, shall expire on the 31st day of July, A. D. 1858.

Previous commissions to expire

SEC. 11. That Article six of Chapter four of the Revised Statutes, and all amendments thereto, and all acts and parts of acts inconsistent with this Act, be and are hereby repealed.

Repeal of art 6 chap 4 revised statutes

SEC. 12. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-sixth, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XXVIII.

An Act to extend the time for taking the Assessments in this State.

SECTION 1. Assessments for 1858 extended to August 18.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Time of assessment extended

SECTION 1. That the assessments to be made by the Assessors, as provided for in an Act providing for Township Organizations, shall be extended to the twentieth day of August next, instead of the time now specified and provided.

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—July seventh, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim.*

SECRETARY'S OFFICE, Minnesota, July 7, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN,
Secretary of State.

CHAPTER XXIX.

An Act relating to Prairie Fires.

SECTION 1. Prohibits setting on fire of Prairie's, &c., except by giving one days notice to all persons interested, severally.
2. Manner of recovering penalties.
3. Prosecutions to be commenced by any person cognizant of offence—disposal of fines and penalties.
4. Repeal of Acts inconsistent herewith.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That if any person or persons shall, at any time hereafter, willingly and intentionally, or negligently

and carelessly set on fire, or cause to be set on fire, any woods, prairies or other grounds whatsoever in any part of this State, every person so offending shall forfeit and pay not less than five dollars nor more than one hundred dollars; *Provided*, That this section shall not extend to any person who shall set on fire, or cause to be set on fire, any woods or prairie adjoining his or her own farm or enclosure, for the necessary protection thereof from accident by fire, by giving to his or her neighbors one days notice of such intention; *Provided further*, That in case the neighbors come together and participate in the burning of any wood, prairies or grounds, the notice specified in this section shall not be necessary or given; *Provided, also*, That this section shall not be construed to take away any civil remedy, which any person may be entitled to for any injury which may be done or received in consequence of such firing.

Setting on fire of prairies prohibited except by notice—penalty

SEC. 2. The penalties provided in the foregoing section shall be recovered by action of debt, before any Justice of the Peace in the county where such offence shall have been committed, upon complaint of any legal voter residing in the county where such offience has been committed.

Penalty—manner of recovery

SEC. 3. It shall be the duty of any person who shall have any knowledge of such offence, or of any legal voter of the county in which such offence has been committed, to prosecute such offender in the name of the State of Minnesota, and all fines and penalties so recovered, shall be applied to the use and support of the public schools in the township in which such offence shall have been committed.

Prosecution by persons knowing to the officer

SEC. 4. All acts and parts of acts inconsistent with the the provisions of this Act are hereby repealed.

SEC. 5. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim*.

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN,
Secretary of State.

CHAPTER XXX.

An Act relating to the powers and duties of Commissioners appointed to take the acknowledgment of Deeds and other instruments in writing to be used in this State.

SECTION 1. Commissioners of Deeds, &c., in other States to be appointed and hold office at the pleasure of the Governor.
2. Instruments under seal of said Commissioners to be valid as if performed by officers in the State.
3. Powers of Commissioners.
4. Oath of office to be taken, and with a description or impression of seal, to be filed with Secretary of State.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners in other states to to be appointed by governor

SECTION 1. That such Commissioners as the Governor shall appoint in any of the United States or Territories of the United States, to take the acknowledgment of Deeds or other instruments in writing to be used in this State, shall hold their office during the pleasure of the Governor, and they shall have power to take the acknowledgment and proofs of the execution of any deed or other conveyance or lease of any lands lying in this State, and of any contract, letter of Attorney, or any other writing under seal, or not, to be used or recorded in this State.

Their acts under seal legalized

SEC. 2. Such acknowledgment or proof so taken according to the laws of this State, and certified to by any such Commissioner under his seal of office and annexed to or endorsed on such instrument, shall have the same power and effect as if the the same had been made before any officer authorized to perform such acts in this State.

Powers of commissioners

SEC. 3. Every Commissioner appointed as before mentioned shall have power to administer an oath which may be lawfully required in this State to any person willing to take the same, and to take and duly certify all depositions to be used in any of the Courts of this State in conformity to the laws thereof, either on interrogatories proposed under a Commission from any Court of this State, or by consent of parties, or on legal notice given to the opposite party; and all such acts shall be as valid as if done and certified according to law by a proper officer in this State.

Oath of office and filing of official seal

SEC. 4. Every such Commissioner before performing any duty or exercising any power by virtue of his appointment, shall take and subscribe an oath or affirmation before a Judge or a Clerk of one of the Courts of Record of the State in which such Commissioner shall reside well and faithfully

to execute and perform all the duties of such Commissioner, under and by virtue of the laws of the State of Minnesota, which oath with a description or impression of his seal of office shall be filed in the office of the Secretary of this State.

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-two, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXI.

An Act for the Protection of Religious Meetings.

SECTION 1. Houses of Public Worship to be exempt from disturbance.
2. Penalty for offending, how recovered.
3. Prohibits sale of liquors or goods within two miles of grove or camp meeting.
4. Penalty for offending.
5. Prohibits horse-racing, shows, gambling, or indecent behavior—penalty for offending.
6. Parents and guardians liable for forfeiture of children and wards.
7. Breakers of this Act may be tried before District Courts, the parties offending to be held in recognisance.
8. Forfeiture of recognisance,—Procedure.
9. Complaints may be made upon view or knowledge of violation of this Act before any Justice.
10. Fines and penalties to be for the benefit of the School Fund of the County.
11. Prosecutions to be commenced within sixty days.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. No person shall on the first day of the week, commonly called the Lord's Day, within the walls of any house of public worship or near the same, behave rudely or indecently, whether in the time of public service, or between the forenoon or afternoon services, or if any person or per-

Houses of public worship to be exempt from disturbance

sons shall disturb any religious meeting by speaking in the same, or in any other manner conduct himself or themselves, so as to prevent the stated and orderly proceedings and exercises of such meeting, or shall make such disturbance while the people are assembling at or leaving their place of worship, and shall not desist therefrom when requested, he may be removed from such meeting or place of worship by any individual.

Penalties for offending

SEC. 2. Any person offending against any provision of the foregoing section of this Act, shall forfeit a sum not exceeding twenty-five dollars, nor less than two dollars, which shall be recovered by complaint of any person before any Justice of the Peace of the town, or adjoining town to that in which the offence was committed.

Prohibits sale of liquors or goods within two miles of camp meetings

SEC. 3. No person shall keep any shop, tent, booth, wagon, carriage for the sale of, or shall sell, give, or expose to sale, any spirituous or intoxicating liquors, goods or merchandize of any kind, within two miles of any public assembly, camp, or grove meeting, convened for the purpose of religious worship; but this shall not be construed to prevent any person from selling merchandize at the shop or store where he usually transacts business, nor from selling liquors in any place where he shall have received a license therefor before the appointment of such religious meeting; nor to prevent any pedlar from selling his goods to any person at the usual place of business or residence of such person.

Penalty for offending

SEC. 4. If any person shall be guilty of a breach of the preceding section, upon conviction thereof before any Justice of the Peace, he shall be fined not exceeding thirty dollars, or imprisoned in the county jail for any term not exceeding thirty days, or may be sentenced to both said punishments.

Prohibits horse-racing gambling &c—penalty

SEC. 5. If any person shall be guilty of noisy rude, or indecent behavior, of exhibiting shows or plays, or promoting or engaging in horse-racing or gambling, at or near any such religious meeting, so as to interrupt or disturb the same, or shall at any religious meeting of the citizens of this State, maliciously cut or otherwise injure or destroy any harness, or tents, or other property, belonging to any tent-holder, or other person, upon conviction thereof before any Justice of the Peace, he shall be fined not exceeding fifty dollars, or if the offence be of an aggravated nature, he may be held to recognize with sufficient sureties, to appear at the District Court next to be holden in the same county, and upon conviction before such Court, he shall be fined in any sum not exceeding one hundred dollars, or imprisoned in the county jail not exceeding ninety days, or by both such fine and imprisonment.

Parents and guardians liable for offences of children

SEC. 6. Parents and guardians shall be respectively liable for all forfeitures incurred by children and wards under their care.

SEC. 7. If any person shall be guilty of a breach of the

preceding sections of this Act, he may be required to recognize with sureties in a sum not less than one hundred dollars, to appear at the District Court next to be holden in the same county, and to abide the order of said Court, and in the mean time to be of good behavior. Trial by district court

SEC. 8. If such recognizance is forfeited, said Court may require such offender to recognize with sufficient sureties, in a sum not exceeding three hundred dollars, to appear at the next term of said Court and to abide the order thereof, and in the meantime to be of good behavior, and so from term to term as may be ordered by said Court, as long as such forfeiture may be incurred. Forfeiture of recognisance—procedure

SEC. 9. Any person may, upon view or knowledge of any offence described in this Act, go before some Justice of the Peace of the town or adjoining town to that in which the offence was committed, who shall upon complaint under oath issue his warrant, cause such offender to be arrested and proceed to a hearing of such complaint. Complaints how made

SEC. 10. All fines and forfeitures that may be collected under this Act, shall be paid by the Justice of the Peace or Court collecting the same, into the county treasury to the credit of the common school fund of the county within ninety days after collecting the same. Fines and penalties to go to school fund

SEC. 11. No prosecution for any violation of the provisions of this Act shall be sustained unless commenced within sixty days after the commission of such offence. Prosecutions to be commenced within 60 days

SEC. 12. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXII.

An Act to authorize and regulate the Business of Banking.

SECTION 1. Bank-note plates to be procured by Auditor, for banks; and notes printed for banking purposes.
2. Permits bankers to procure their own plates. [Repealed, see Chap. XXXIII.]
3. Denominations of bank notes
4. Notes to be countersigned and registered by Auditor.
5. Basis upon which banks may issue notes. [Amended, see Chap. XXXIII.]
6. Bonds to one-fourth of notes issued, or 10 per cent additional stock to be deposited with the Auditor.
7. Registered and countersigned notes to be so recorded upon their face.
8. Powers of attorney may be given to receive interests on deposited stock; may be revoked on failure to redeem notes.
9. Liable to taxation for state, county, town, school and corporation purposes
10. Capital stock not less than $25,000; not to be established in a town of less than two hundred inhabitants.
11. Certificate for incorporation of bank to contain—
    1. Name;
    2. Place of business;
    3. Capital;
    4. Names of Shareholders, and number of shares;
    5. When to commence and terminate.
12. Certified copies of certificate to be ordered in courts.
13. Enumeration of banking powers.
14. Shares to be personal property, and transferrable.
15. Failure to redeem circulating notes on demand, forfeiture of charter, unless redeemed within forty days after notice from Auditor; procedure to close a bank and redeem its bills.
16. Damages for non-redemption of notes.
17. Auditor to countersign bills; penalty for violation of restrictions imposed.
18. The capital of a bank may be increased.
19. Contracts of banks, and bills, to be signed by President and Cashier; suits to be brought in corporate name.
20. Purchase of real estate:—
    1. For its immediate accommodation;
    2. As a mortgagee;
    3. By conveyance for debts previously contracted;
    4. By execution in its favor.
21. Names of shareholders and amount of stock, to be filed with Register of Deeds and Auditor; individually liable to double amount of stock, and for one year after transfer.
22. Billholders to be preferred to all other creditors.
23. Notes of banks payable only at place of issue.
24. Manner of relinquishing business and closing a bank.
25. Public notice for two years of final redemption of bills.
26. Securities may be withdrawn on depositing equal amount of circulating notes.
27. Securities deposited to be held in trust for redemption of bills issued thereon.
28. Manner of cancelling circulating notes returned to Auditor.
29. Mutilated notes to be exchanged.
30. Banks to receive their own notes in payment of debts due them.
31. No dividend to be made where the capital has been reduced, and debts remain unpaid until capital is made up.
32. Illegal currency, penalty for issuing.
33. Interest on loans, &c. not to exceed 15 per cent. per annum.
34. Quarterly reports to be filed with Auditor, and published.
35. Unclaimed dividends, and interest, public notice to be given annually.
36. Notice to contain name and residence, amount of dividend, &c. shares of stock, &c.
37. Plates, dies, &c. of closed banks to be destroyed under direction of Auditor.

SECTION 38. Treasurer's account, and securities with Auditor, to be examined by legislative committee annually.
39. Penalty for false statements or reports from banking officers or their agents.
40. Auditor's bonds under this Act to be $50,000.
41. Auditor's fees for issuing and countersigning bank-notes.
42. Auditor's fees for selling stock and redeeming notes.
43. Penalty for violation of this Act.
44. Repeal of Act passed March 19, 1858. [See Appendix.]
45. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it is hereby made the duty of the Auditor of State, on application of any person or association of persons wishing to organize under this Act, to cause to be engraved and printed in the best manner to guard against counterfeiting, such quantity of circulating notes, in the similitude of bank notes, in blank, of the different denominations hereinafter authorized to be issued, as may from time to time be needed to meet the demands of those organizations for the purpose of banking; and all necessary expenses in procuring such circulating notes in blank shall be charged to and paid by the banker or banking association at whose solicitation and for which the same are furnished.

Auditor to procure engraved plates and printed bank notes at expense of banks

SEC. 2. Nothing herein contained shall be so construed as to prevent any banker or banking association from procuring their own plates, dies and other materials for engraving and printing blank notes, furnishing them to the Auditor of State and having them ever after in his custody and under his control, to be used and disposed of as though such Auditor of State had himself procured them under the preceding section.

Repealed—see chapter

SEC. 3. Such bank notes in blank so procured or placed in the hands of the Auditor of State, as aforesaid, shall be of the dimensions usually issued by banks, from one dollar to five hundred dollars; but such notes shall not be of any intermediate number between five and ten dollars, ten and twenty, twenty and fifty, or fifty and one hundred dollars.

Denominations of notes

SEC. 4. Such blank circulating notes shall be countersigned by such Auditor of State and numbered, and registered in proper books to be kept for that purpose in his office and under his direction, by the Auditor himself, or such person or persons as the Auditor shall appoint, so that each denomination of such circulating notes shall be of the same similitude and all bear the uniform signature of such Auditor of State and Register.

To be countersigned and registered

SEC. 5. Whenever any person or association of persons formed for the purpose of banking under the provisions of this Act, shall duly assign or transfer in trust to the Auditor of this State, any portion of the public stocks issued or to be issued by the United States, or the stocks of any State of the United States, on which full interest is semi-annually paid, said stocks to be valued at a rate to be estimated and governed by the average rate at which such stocks have been sold in the

Amended—see chapter

city of New York, within the next six months preceding the time when such stocks may be left on deposit with the Auditor of State, such person or association of persons shall be entitled to receive from the Auditor, an amount of such circulating notes of different denominations, registered and countersigned, equal to and not exceeding the amount of public stocks assigned and transferred, as aforesaid, but such public stock shall in all cases be, or be made to be, equal to a stock producing six per cent. per annum, and it shall not be lawful for the Auditor of State to take such stock above its par value, nor above its current market value in the city of New York at the time of deposit, by such person or association of persons, if at any time the stocks assigned and transferred to the Auditor of State for circulating notes or any part thereof, shall depreciate ten per cent. or more in value in the New York market, the Auditor of State shall reduce the rate at which the same shall be continued to be held as securities, and require such banking association or banker owning such stocks, to make up the deficiency with such additional stocks as required by this Act, to be transferred and assigned as aforesaid, or such banking association or banker may make good such deficiency by returning to the Auditor of State, such amount of bank bills previously issued to him or them, as shall be equal to the deficiency of security created or caused by the depreciation of the said stocks held as security as aforesaid; *Provided*, That if in the opinion of the Auditor and Governor, any stocks offered shall be deemed insecure, they shall not be received as such securities under the provisions of this Act.

Amended—see chapter

SEC. 6. Before any bank shall receive from the Auditor of State, any circulating notes, as provided in Section five of this Act, the stockholders thereof shall either give to the Auditor of State good and sufficient bonds, to be approved by him to the amount of one-fourth of the notes that said bank shall receive, or deposit in lieu of such bonds, ten per cent. more stock than the circulating notes, to be delivered by the Auditor to such bank, as an additional security to indemnify the bill holders against any loss that may be sustained in case the other securities deposited with the Auditor of State, shall be insufficient to redeem said bills.

Bonds to one-fourth of notes issued or 10 per ct more stock than amount of notes to be deposited

SEC. 7. The bills and notes so to be countersigned and registered, the payment of which shall be secured by the transfer of public stocks, shall be engraved upon their face, the words: "Secured by the pledge of public stocks."

Countersigning and registering of notes

SEC. 8. The Auditor may give to any person or association of persons so transferring securities in pursuance of the provisions of this Act, power of attorney to receive interest or dividends thereon, which person or association of persons may receive and apply to their own use, but such power may be revoked upon such person or association of persons failing to redeem the circulating notes so issued, and the

Powers of attorney to receive interest on deposited stock

Auditor of State, upon application of the owners of such transferred securities in trust, may, in his discretion, change or transfer the same for other securities of the kind specified before in this Act, or may transfer the said securities or any part thereof, upon receiving and canceling an equal amount of such circulating notes delivered to him by such person or association of persons, in such manner that the circulating notes shall always be secured in full, as in this Act provided.

Liability of notes &c to taxation

SEC. 9. The notes and bills discounted or purchased, moneys loaned, and all other property, effects or dues of every description, of all Banks and Banking Associations organized under the provisions of this Act, shall be assessed and taxed in the city, ward, village or town where the same is located, for all State, county, town, school and corporation purposes, in the name of [such] Bank or Banking Association, to the same extent and under the revenue laws, the same as the property of individuals.

Capital stock minimum—200 inhabitants required in a town where bank is located

SEC. 10. Any person or association of persons may establish offices of discount, deposit and circulation, and become incorporated upon the terms and conditions, and subject to the liabilities prescribed in this Act, but the aggregate of the capital stock of such establishment shall not be less than twenty-five thousand dollars: *Provided*, That no such office shall be established in any town containing less than two hundred inhabitants.

Certificate for banks to contain

SEC. 11. Such persons or association of persons under their hands and seals, shall make a certificate which shall specify:

Name of bank

First—The name assumed to distinguish the bank to be established pursuant to this Act, and to be used in all its dealings, which name shall not be that of any other bank in this State.

Place of business

Second—The place where the business of discount or deposit of such bank is to be carried on, designating the particular city, town or village, and county.

Capital stock

Third—The amount of capital stock of such bank, and the number of shares into which the same shall be divided.

Shareholders names

Fourth—The name and place of residence of the shareholder or shareholders in such bank, and the number of shares held by them respectively.

Commencement and termination

Fifth—The period at which said bank shall commence and terminate, which certificate shall be acknowledged and recorded in the office of the Register of Deeds of the county where any office of such bank may be established, and a copy thereof shall be filed in the office of the Auditor of State, and upon the recording of such certificate, the person or persons aforesaid shall become a body politic and corporate by the name assumed as aforesaid, for and during the time fixed in such certificate, and by such name shall have power to contract and be contracted with, sue and be sued, and shall have all other powers, privileges and immunities, incident to corporations, and applicable to the ends of such

establishments, subject to the provisions and restrictions of this Act.

Certified copies of certificate to be evidence in court

SEC. 12. A copy of the certificate required by the next preceding sections, duly certified by the Register of Deeds of the county or by the Auditor of State, may be used as evidence in all Courts for or against such bank; or any person or persons for or against whom any such evidence may be necessary, whether on civil or criminal trial.

Enumeration of banking powers

SEC. 13. Such person or association of persons shall have power to carry on the business of banking, by discounting bills, notes and other evidences of debt, by receiving deposits, by buying and selling gold and silver bullion, foreign coin and foreign and inland bills of exchange, by loaning money on real and personal securities, and by exercising such incidental powers as may be necessary to carry on such business; may choose one of their number as President and appoint a Cashier and such other officers as their business may require, and to remove such President, Cashier, officers and agents at pleasure, and to appoint others in their places; but no such association or banker shall commence the business of banking under this Act, until such association or banker shall have deposited with the Auditor of State the securities required by this Act.

Shares to be personal property and transferrable

SEC. 14. The shares in such bank shall be deemed personal property, and shall be transferrable on the books of the bank, in such manner as may be agreed upon in the articles organizing such bank, and every person becoming a stockholder therein, shall, in proportion to his interest, succeed to all the rights and be subject to all the liabilities of prior shareholder or shareholders, no change shall be made in the articles organizing such bank whereby the rights, remedies or securities of existing creditors shall be in any manner impaired, and any association constituting such bank shall not be dissolved by the death or insanity of any one of the shareholders therein.

Failure to redeem notes—closing of banks

SEC. 15. If the maker or makers of any circulating note or notes, countersigned and registered as aforesaid, shall at any time hereafter, on lawful demand during the usual hours of business, at the place where such note or notes is or are payable, fail or refuse to redeem such note or notes in the lawful money of the United States, the holders of such note or notes making such demand, may cause the same to be protested for non-payment by a Notary Public, under his official seal. But the maker or makers of such note or notes, shall not be liable for the expense of so protesting the same, unless on such demand and refusal so to redeem the same, he or they shall refuse to waive protest and notice of protest thereon, and such waiver of protest shall in all cases be deemed equivalent to the regular protest thereof; and such Notary shall, on protesting the same, forthwith forward notice of such protest to the Auditor of State, the Notary making such protest

Protest of notes

shall certify in his notice of protest, the number of notes on which said payment was refused and describe them by their numbers and letters, and shall also certify to the aggregate amount of said notes, the Auditor of State on receiving and filing in his office such protest, together with such note or notes as aforesaid, shall forthwith give notice in writing to the maker or makers of such note or notes, to pay the same, and if they shall omit to do so for forty days after such notice, the Auditor shall immediately thereupon, unless he shall be satisfied there is a good and legal defense against the payment of such note or notes, give notice that all the circulating notes of such person or association of persons, and countersigned and registered as aforesaid, will be redeemed out of the trust funds in his hands for that purpose, which notice shall be given by publishing the same in some newspaper printed in the county where the business of such bank is established and in some newspaper printed at the seat of government of this State, and the Auditor of State shall be required to apply the said trust funds belonging to the maker or makers of such protested note or notes to the payment of all circulating notes, whether protested or not, put in circulation by the maker or makers of such protested note or notes, pursuant to the provisions of this Act, and to adopt such measures for the payment of such notes, as will in his opinion, most effectually prevent loss to the holder of such notes; and to this end the Auditor of State may, after the expiration of the said forty days, and after giving thirty days' notice by publication in a newspaper printed at the seat of government of this State, and in a daily newspaper printed in the City of New York, proceed to sell at the Merchants' Exchange in the City of New York, at public auction, the securities so pledged, and out of the proceeds of such sale, shall pay pro rata and cancel all bills and notes which have been issued and put in circulation by such bank under the provisions of this Act, to be applied pro rata to the payment of all such circulating notes; but nothing in this Act contained shall be considered as implying any pledge on the part of this State for the payment of such bills or notes beyond the proper application of the securities pledged to the Auditor of State for their redemption.

Auditor to give notice to bank to redeem within 40 days

Sale of stocks pledged for redemption of notes—public notice to be given

Sec. 16. Such bank or banking association shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall have been demanded or refused at the banking house or usual place of business of such association or bankers, damage for non-payment thereof from the time of such refusal until the payment of such evidence of debt and damages thereon.

Damages for non-redemption of notes

Sec. 17. It shall not be lawful for the Auditor of State, or his deputy, to countersign bills or notes for any association or banker to an amount in the aggregate exceeding the securities at their value, as before provided in this Act, de-

All bills to be countersigned by auditor

Penalty for violation of restrictions imposed

posited with him in his trust by such association or banker, or to use or dispose of such securities in any manner other than provided for in this Act, and any Auditor of State or deputy, who shall violate the provisions of this section, shall, upon conviction, be deemed guilty of a misdemeanor, and be punished by a fine not less than five thousand dollars, or be imprisoned not less than five years in the State prison, or by both such fine and imprisonment.

Increase of capital

SEC. 18. It shall be lawful for any person or association of persons organized under the provisions of this Act, by his or their articles of association to provide for an increase of their capital stock, and of the numbers of such association from time to time as they may think proper.

Contracts and bills of banks to be signed by president and cashier

SEC. 19. Contracts made by any bank or banking association, established under the provisions of this Act, and all notes and bills issued and put in circulation as money, shall be signed by the president and cashier thereof, and all suits, actions and proceedings brought or prosecuted by and in behalf of such bank or banking association shall be brought and prosecuted in the corporate name mentioned in the certificate made and filed as hereinbefore required.

Real estate how it may be bought and sold

SEC. 20. It shall be lawful for such bank or banking association to purchase, hold and convey real estate for the following purposes:

For its immediate accommodation

First. Such as shall be necessary for its immediate accommodation in the convenient transaction of its business.

Such as may be mortgaged

Second. Such as shall be mortgaged to it in good faith by way of security for loans made by, or money due to such bank.

By conveyance for debt contracted

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

By execution in its favor

Fourth. Such as it shall acquire by sale on execution or decree of any Court in its favor. The said bank shall not purchase, hold or convey real estate in any other case or for any other purpose whatever, and all conveyances of such real estate shall be made to the corporations, and which real estate the president and cashier may sell, assign, grant or convey under the direction of the association free from any claim thereon in favcr of or against the shareholders or any person claiming under them.

Names of shareholders and amount of stock to be filed—individual liability

SEC. 21. The president and cashier of every bank formed pursuant to the provisions of this Act, shall at all times keep a true and correct list of the names of all the shareholders of such bank, with the amount of stock held by each, the time of transfer, and to whom transferred, and shall file a copy of such list in the office of the register of deeds of the county wherein such bank may be located; and also in the office of the Auditor of State on the first Monday in January and July in each year, and the stockholders in each bank shall be individually liable in amount equal to double the amount of stock owned by them for all the debts

of such bank, and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

Bill holders to be preferred

SEC. 22. In the event of the insolvency of any bank established under the provisions of this Act, the bill holders thereof shall be entitled to preference in payment over all other creditors of such bank.

Notes payable only at place of issue

SEC. 23. It shall not be lawful for any bank formed under the provisions of this Act, to make any of its bills or notes to be put in circulation as money, payable at any other place than the office where the business of the bank is carried on and conducted, nor to issue of the same at any other place; and said bills or notes shall be made payable on demand and without interest.

Manner of relinquishing business and closing a bank

SEC. 24. When the owner or owners of any bank desirous of relinquishing the banking business, shall notify the State Auditor of such intention, then, and in such case, it shall be competent for the said bank or bankers to redeem and deposit with the Auditor of State from time to time, any amount of their circulating notes which may have been issued to said association, bank or bankers, in sums, however, not less than one thousand dollars at any one time, and to receive therefor and withdraw an equal amount of the securities by them deposited with the Auditor of State, but no bank shall continue to transact any business whatever further than what may be required to close up thereafter their capital stock, securities, or circulation, shall have been reduced to less than twenty-five thousand dollars, nor in any case after two years from the date of said notice of intention to relinquish and close up their banking business as aforesaid, and whenever the retiring bank or bankers shall desire to withdraw all the securities heretofore lodged with the Auditor of State, they may do so by producing and filing with the Auditor of State, a certificate of deposit to his credit in such bank as he shall approve of, an equal amount with the circulating notes of such bank or banks then remaining unredeemed, and the Auditor of State on being satisfied of such deposit and of the sufficiency thereof, shall give up all the remaining securities heretofore deposited by such bank or bankers for the redemption of the circulating notes issued.

Two years public notice of final redemption of notes

SEC. 25. Such banking association or banker after having complied with the provisions of the last preceding section, shall give notice for two years in some newspaper printed in the county where such bank shall have been located, and in a paper printed at the seat of government of this State, that all circulating notes issued by such banking association or banker, [must be presented] at the Auditor of State's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes, will be given up to the banking association or banker, and on re-

ceiving satisfactory proof of the giving of such notice for the time aforesaid, the Auditor of State shall surrender to the order of such banking association or banker, any securities which he may hold for the payment of any unredeemed notes of the said banking association or bankers.

Withdrawal of securities by deposit of circulating notes

SEC. 26. Any banking association or banker wishing to withdraw any of the securities by them deposited with the Auditor of State, may do so by depositing an equal amount of the circulating notes which may have been issued to said association or banker by the Auditor of State, in sums of not less than one thousand dollars; provided that the amount of securities thus withdrawn by deposits of said circulating notes shall not reduce the amount of stock securities remaining in the hands of the Auditor of State to less than twenty-five thousand dollars.

Securities held in trust for redemption of bills

SEC. 27. The securities to be deposited with the Auditor of State in trust by any association or banker, shall be held by him exclusively for the redemption of the bills or notes of such bank, put in circulation as money until the same are paid and returned to the Auditor of State, as provided in this Act, but the Auditor of State may assign said securities to said association or banker, transferring the same upon receiving therefor equivalent securities or an equivalent amount in circulating notes issued by such bank, as provided in Section twenty-six of this Act.

Canceling circulating notes

SEC. 28. All circulating notes of banks or banking association returned to the Auditor of State shall be destroyed by him in presence of the Governor and an authorized officer of the bank, after he shall have made a record of the same, which shall specify the number of each note, its date, and by whom it was countersigned, and shall be made in the books to be kept by himself for registering circulating notes.

Mutilated notes—exchange of

SEC. 29. It shall be the duty of the Auditor of State to receive mutilated circulating notes issued by him, and after making a record of them, their denomination and amount, to deliver in lieu thereof circulating notes to the same amount.

Notes of banks to be received in payment of their own debts

SEC. 30. All of the bills or notes of any bank or banking association shall be at all times received by the same in payment of all debts due to such bank or banking association.

Reduction of capital stock—no dividends

SEC. 31. If any portion of the declared capital of any banking association shall be reduced for any purpose whatever while any debts of the association remain unsatisfied, no dividend or profits in the shares of the capital stock of the association shall thereafter be made until the deficit of the capital shall be made good, either by subscription of the shareholders, or out of the subsequent accruing profits of the association; and if it shall appear that any such dividends have been made, it shall be the duty of any Judge of the District Court of the county in which said bank may be located, on application of any person in interest, to make the necessary orders and decrees for the closing of the affairs of

the association and distribute its property and effects among its creditors and shareholders.

Illegal currency—penalty for issuing

SEC. 32. The officers or agents of any banking association or banker who shall pay out, to be put in circulation as money in this State, any bill, note, certificate of deposit, or other paper having the similitude of a bank note, knowing the same to have been issued otherwise than by the authority of this or any other State of the United States, of the Congress of the United States, or of the British possessions, shall, for each offence, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by a fine of not less than one hundred dollars, or by not less than three nor more than twelve months imprisonment, or both by fine and imprisonment.

Bank rate of interest

SEC. 33. Such bank or banking association may demand and receive for loans on real and personal security, or for notes, bills or other evidences of debt discounted, such rate of interest as may be agreed upon by the parties, not exceeding fifteen per cent. per annum, subject, however, to such general laws regulating and fixing the rate of interest as may hereafter be passed by the Legislature; and it shall be lawful to receive the interest in advance, according to the ordinary usage of banking institutions, and in general do all things and have all the privileges incident to banking associations or corporations.

Quarterly reports to be filed and published

SEC. 34. Every bank or banking association shall, on the first Monday of January, April, July and October in every year after having commenced the business of banking, as provided in this Act, make and transmit to the Auditor of State a report, which shall be made on oath of the President and Cashier, and shall contain a true statement of the following items on the mornings of the first Monday of January, April, July and October, before any business of that day: loans and discounts, over drafts due from banks, due from directors of said bank, due from broker, real estate, specie, cash items, stocks and promissory notes, bills of solvent banks, bills of suspended banks, loss and expense account, capital, circulation, amount due to State Treasurer, amount due to depositors on demand, amount due not included under either of the above heads; and it shall be the duty of the Auditor of State to publish said report, together, once in some newspaper printed at the seat of government, and in the county in which said bank or banks are located, and the expense thereof shall be defrayed by the banks, and if any bank shall fail to furnish to the Auditor its quarterly report in time for such publication, or shall fail to pay the expenses incurred in the publication of its report when they shall be demanded by him, it shall forfeit and pay the Auditor of State, the sum of one hundred dollars, to be applied by him to the expense of publishing the quarterly reports, and the Auditor of State is authorized to collect the said forfeiture

in his name, upon his application to any Court of competent jurisdiction in the county where such delinquent bank may be located; the Auditor of State shall also transmit annually to the Legislature at the commencement of its session, a condensed summary of all the items reported to him by all the banks, which summary verified by his oath, shall contain a true and correct statement of the condition of all the banks in the State, at the time of the making of their last report.

Unclaimed dividends and interest—public notice to be given

SEC. 35. Every bank and banking association formed under the provisions of this Act, shall annually, on the first Monday of January in each year, cause to be published for six successive weeks, in one public newspaper printed in the county in which such bank may be located, and in some newspaper printed at the seat of government of this State, a true and accurate statement, verified by the oath of the cashier, of all deposits made with said bank, and of all dividends and interest declared and payable upon any of the stocks, bonds or other evidences of indebtedness of said bank, which at the date of such statement, shall have remained unclaimed by any person or persons authorized to receive the same, for two years then next preceding.

Name and residence of the owners to be given

SEC. 36. Such statement shall set forth the time that every such deposit was made, its amount, the name and residence if known, of the person making it, the name of the person in whose favor the dividend or interest may have been declared, its amount, and upon what number of shares, and on what amount of stocks, bond or other evidence of indebtedness of any such bank or banking association.

Plates and dies of closed banks to be destroyed by auditor

SEC. 37. All plates, dies, and such like materials of and peculiar to, any individual bank or banking association which shall have closed business, either by its own voluntary act, or by operation of law, under the direction of the Auditor of State, in presence of the Governor or Treasurer of State, shall be destroyed; and such destruction, specifying the articles so destroyed, shall be officially certified to by all the three aforesaid officers.

Examination of treasurer's books and of securities

SEC. 38. It shall be the duty of the Legislature annually, to elect a joint committee whose duty it shall be to examine the Treasurer's accounts, to examine such of the securities deposited in the Auditor of State's office, by banking associations and individual banks, together with books and papers therein, relating to the business of banking, and the said committee shall report the true state and condition of that department to the Legislature.

Penalty for false statements from bank officers

SEC. 39. Every officer, agent or clerk of any banking association or banker authorized by this Act, who shall wilfully and knowingly subscribe, or make any false statement of facts, entries in the books of such person or association, or shall knowingly subscribe or exhibit false papers with the intent to deceive any person authorized to examine as to the condition of such bank or association, or shall wilfully and

knowingly subscribe and make false reports, shall be deemed guilty of misdemeanor, and shall be subjected to imprisonment at hard labor in the State prison, for such term not less than one year nor more than ten years, as the Court trying him shall designate. And likewise any Commissioner, Examiner, Master in Chancery, or Judge, wilfully and knowingly subscribing or making any false report, shall be deemed guilty of misdemeanor, and be subjected to like penalties.

Auditor's bonds

SEC. 40. The Auditor of State shall, within twenty days after the passage of this Act, give to the State of Minnesota a bond in the penal sum of fifty thousand dollars, with not less than five sureties to be approved by the Governor and Secretary of State, conditioned for the faithful discharge of all the duties of his office, provided for and incumbent upon him under this Act, and deposit the same in the office of the State Treasurer; and the Auditor of State shall not be directly nor indirectly interested in any bank or banking association or as an individual banker.

Auditor's fees for issuing notes

SEC. 41. Any banker or banking association that shall organize under this Act, shall be required to pay the Auditor of State for the service performed by him or under his direction, in behalf of such banker or banking association, (according to the provisions thereof,) one-fourth of one per cent. on the amount of circulating notes countersigned and registered as hereinbefore provided, and may require the same to be paid at the time of the delivery of such notes.

Auditor's fees for redeeming notes

SEC. 42. In case the securities deposted with the Auditor of State to secure the redemption of the circulating notes of any bank, shall be sold in pursuance of the requirements hereof, one-eighth of one per cent. on the amount received for the same shall be allowed the Auditor of State, for his services in selling the stock and redeeming the notes of such bank, and the amount of such per centage together with all necessary expenses incurred in advertising and selling such stock, shall be audited by the State Treasurer, and on his certificates the Auditor of State may deduct the same from the proceeds of such sale.

Penalty for violation of this act

SEC. 43. Any person or persons violating any of the provisions of this Act, not hereinbefore specially provided for, shall upon conviction thereof, pay a fine of not less than fifty dollars or more than five hundred dollars for each and every offence, to be recovered before any Court having competent jurisdiction, and all fines and penalties so recovered shall be paid into the State treasury.

Repeal of act! passed March 19, 1858 See appendix

SEC. 44. The Act entitled "An Act to authorize the Business of Banking," approved March nineteen, eighteen hundred and fifty-eight, together with all acts and parts of acts inconsistent with this Act, are hereby repealed.

SEC. 45. This Act shall take effect and shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-sixth, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXIII.

An Act to amend An Act to authorize and regulate the business of Banking, approved July 25th, 1858.

SECTION 1. Amends Section 5 of Chapter 32. Basis upon which circulating notes may be issued.
2. Repeals Section 2 of Chapter 32, permitting Banks to procure their own blanks.

Be it enacted by the Legislature of the State of Minnesota:

U S stocks or state stocks of Minnesota, or other state stocks worth par value for banking

SECTION 1. Section five of said Act is hereby amended so as to read as follows: Whenever any person or association of persons formed for the purpose of banking under the provisions of this Act, shall duly assign or transfer in trust to the Auditor of this State, any portion of the public stocks issued or to be issued by the United States or the State of Minnesota, at their current value, or the stocks of any other State of the United States which shall not have been sold at less than their par value at the stock exchange in the city of New York, within the next six months preceding the time when such stocks may be left on deposit with the Auditor of State, such person or association of persons shall be entitled to receive from the Auditor, an amount of such circulating notes of different denominations, registered and countersigned, equal to and not exceeding the amount of public stock assigned and transferred as aforesaid, but such public

stock shall in all cases be, or be made equal to a stock producing six per cent. per annum; and if at any time the stock assigned and transferred to the Auditor of State for circulating notes or any part thereof, shall depreciate ten per cent. or more in value, in the New York market, the Auditor of State shall reduce the rate at which the same shall be held as securities, and require such banking association or banker owning such stock, to make up the deficiency with such additional stocks as required by this Act, to be transferred and assigned as aforesaid; or such banking association or banker may make good such deficiency by returning to the Auditor of State, such amount of bank bills previously issued to him or them, as shall be equal to the deficiency of security created or caused by the depreciation of the said stocks held as security as aforesaid; *Provided*, That if, in the opinion of the Auditor and Governor, any stocks offered shall be deemed insecure, they shall not be received as such securities under the provisions of this Act.

Must equal 6 per cent interest

Depreciation must be made good

Insecure stocks

SEC. 2. Section two of said Act is hereby repealed.

Repeal of sec 2 chapter 32

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM. HOLCOMBE,
President of the Senate.

APPROVED--August fourteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 14, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXIV.

An Act to provide for the government of the State Prison of the State of Minnesota.

SECTION 1. Location of State Prison at Stillwater.
2. Prison to be under direction of three Inspectors, to be appointed by Governor.
3. Organization of Board; terms of office.
4. Annual appointment of one Inspector to be made.
5. Officers of the Prison.
6. Appointment of Warden.
7. Appointment of Clerk, Physician, and Chaplain.
8. Appointment of Deputy Warden, Assistant Keepers, and Guards.
9. Inspectors to meet at stated times for examinations.

10. Inspectors to audit and settle accounts of Warden, and report to Governor.
11. Inspectors to examine into reported misconduct of Warden.
12. Inspectors to examine into disorderly conduct of prisoners; punishment.
13. Proceedings of Board to be kept by Clerk.
14. Rules and regulations to be established by Inspectors.
15. Printed copies of rules and regulations to be furnished the officers of Prison.
16. Warden and Deputy Warden to keep journal of their proceedings.
17. Officers of Prison to have no business connected with workshops of Prison.
18. Salaries of officers; to be paid out of State Treasury.
19. Appropriation for the purchase of books for prisoners.
20. Bonds to be executed by Warden, Deputy Warden and Clerk.
21. Per diem allowance for services of Inspectors.
22. Special duties of the Warden.
23. Prison business transactions to be in name of Warden.
24. Provisions to be supplied by contract, or under direction of Inspectors.
25. All contracts to be reduced to writing.
26. Medicines, clothing, &c. to be purchased by Warden, under direction of Inspectors.
27. Warden and Deputy Warden to keep account of moneys received and disbursed.
28. Annual report to be made by Warden.
29. Names of convicts pardoned to be reported annually to Legislature.
30. Vacancy in office of Warden, how supplied.
31. Physician to keep register of cases under his charge.
32. Books, accounts, &c. deemed public property.
33. Prohibits officers from employing convict-labor for their own benefit.
34. Prisoners to be confined in separate cells.
35. Clothing, bedding, and fare of convicts, to be of coarse quality.
36. Warden shall furnish a Bible for each convict.
37. Warden to take charge of and preserve property of convicts until their release.
38. Convicts upon their release to be furnished with suit of clothes, at expense of State.
39. Prohibits bringing in or carrying out any writing without consent of Warden.
40. Persons entitled to visit Prison.
41. On taking charge of a convict, Warden to receive certified copy of sentence.
42. Escape of convicts, Warden to offer reward.
43. Rewards for convicts, and necessary advertising, to be audited by Auditor and paid out of State Treasury.
44. Forbids the sale of liquor about the premises of Prison.
45. Expenses for conveying convicts to Prison to be paid out of State Treasury.
46. Auditor to draw warrants for expenses, under direction of Inspectors.
47. Uniform rules for admission of visitors to be adopted.
48. Officers of Prison to be exempt from military and jury duty.
49. One hundred copies of annual report of Inspectors to be printed for use of Prison.
50. Auditor to settle account of Warden on removal or resignation.
51. Workshops to highest and best bidders.
52. The rents and revenues thereof to be paid into State Treasury.
53. Letting of convicts; price to be received for services.
54. Stipulation to be made in lease for constant employment of all convicts.
55. Warden to be entitled to dwelling-house free of rent.
56. Attorney-General required to inquire into conduct of former Warden and affairs of Prison.
57. Attorney-General to investigate title to land appertaining to State Prison.
58. Provides for the removal of the machinery and tools now connected with the Prison, at the expense of parties owning the same.
59. Repeals Act of May 23d, 1857, and other acts for the government of the Prison.
60. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Location of state prison

SECTION 1. There shall be maintained for the security and reformation of convicts in this State, a State Prison at Stillwater, in the County of Washington.

Prison inspectors how appointed

SEC. 2. The State Prison shall be under the direction and government of three Inspectors, who shall be appointed by the Governor by and with the consent of the Senate, and

shall hold their offices for the respective terms of one, two and three years, and shall take and subscribe to the constitutional oath.

Organization of board—terms

SEC. 3. The Board of Inspectors shall, as soon as may be after their appointment, meet at the State Prison office and shall elect one of their number President, and determine by lot their respective terms of office.

Annual appointment of inspector

SEC. 4. The Governor shall, on the first Monday in January, A. D. 1859, and annually thereafter, appoint one State Prison Inspector who shall hold his office for three years, and until his successor is appointed and qualified.

Officers of the prison

SEC. 5. The officers of the prison shall consist of one Warden, who shall be principal keeper and reside at the prison; one Deputy Warden, one Clerk, one Chaplain and one Physician, and such other assistant keepers and guards as the Inepectors may deem requisite.

Warden

SEC. 6. The Warden shall be appointed by the Governor, by and with the advice and consent of the Senate, and shall hold his office for two years, unless sooner removed by the Governor.

Clerk, physician and chaplain

SEC. 7. The clerk, physician and chaplain shall be appointed by the Inspectors, and shall hold their offices during the pleasure of the Board.

Deputy warden, assistant keepers and guards

SEC. 8. The deputy warden, assistant keepers and guards shall be appointed by the Warden, with the assent of the Inspectors, and shall hold their offices during the pleasure of the Warden.

Stated meetings of inspectors—their duties

SEC. 9. It is the duty of the Inspectors to meet together at stated times, at the prison, once at least in every three months, and oftener if necessary, to attend to and inspect the concerns of the prison, the manner of keeping the books and accounts, and the register of punishments kept by the warden, and from time to time carefully to examine the same, and to keep a record of their doings; one of them, at least, must visit the prison as often as once in each month, to examine into all the concerns thereof, and to see that the laws and regulations thereof are duly observed, and the duties of the warden faithfully performed, and to advise with the warden of the prison on the concerns thereof, whenever thereto requested; and each of them shall at all times have free access to all parts of the prison, and be allowed to inspect and examine all the books, accounts and writings pertaining to the prison, or the business, management and government thereof; and the Inspectors as soon as may be after each stated meeting, or oftener, if necessary, shall transmit to the Governor a transcript of the record of their doings, and such other information relative to the concerns of the prison, as they may deem proper.

To audit accounts of warden

SEC. 10. It is the duty of the Inspectors, on the first Monday of January, annually, to audit, correct and settle the accounts of the warden with the prison and the State,

for the year ending on the last day of December, preceding, and make report thereof in the same month to the Governor, which report must exhibit all particulars necessary to give the Governor a full understanding of the fiscal and other concerns of the prison, and must, at the same time, furnish an estimate of the probable income and expense of the prison for the ensuing year.

To investigate improper conduct of warden

SEC. 11. It is the duty of the Inspectors to inquire into any improper conduct which may be alleged to have been committed by the warden of the prison in relation to the concerns thereof; and for that purpose may issue subpœnas for witnesses to compel their attendance, and the production of papers and writings, may examine witnesses under oath to be administered by the President, and may adjudicate on such alleged improper conduct in like manner and with like effect as in case of arbitration.

To punish improper conduct of prisoners

SEC. 12. The Inspectors must examine into all disorderly conduct among the prisoners, and when it appears to them that such conduct is disorderly, refractory or disobedient, they may order such punishment as they may deem necessary to enforce obedience, and as shall not be inconsistent with humanity.

To keep minutes of proceedings

SEC. 13. The Board of Inspectors shall keep regular Minutes of their proceedings, which shall be signed by the President and attested by the clerk and kept in the prison office.

To establish rules and regulations

SEC. 14. The Inspectors shall from time to time establish such rules and regulations, consistent with the law of the State, as they may deem expedient for the government and regulation of the prison and prisoners, and shall cause a copy of the same to be laid before the Governor, who may approve or modify the same.

To furnish printed copies to officers of prison

SEC. 15. A printed copy of the rules and regulations of the prison shall be furnishd to every officer and guard at the time he is appointed and sworn in.

The warden to keep record of proceedings

SEC. 16. The Warden and Deputy Warden shall keep a journal of all their proceedings of the Prison, in which he shall note all the infractions of the rules by any officer or prisoner, and make a memorandum of all complaints made by prisoners of cruel and unjust treatment; also, what punishment was inflicted, which journal shall be laid before the Inspectors at their stated meetings, and at any special meeting when demanded.

No officer to have interest in the work shops

SEC. 17. No Inspector, Warden or other officer shall be connected with, or have an interest in the business or shops connected with the prison.

Salaries of officers

SEC. 18. There shall be paid to the several officers of the prison the following salaries, and compensation to be paid quarterly out of the State Treasury, on the warrant of the Auditor, to wit: To the warden, the sum of six hundred dollars; to the clerk, three hundred dollars; to the deputy warden, three

hundred and fifty dollars; to any and all assistant keepers and guards, a sum not exceeding two hundred dollars per annum, and to the physician such sum as the Inspectors shall allow; *Provided*, That if the warden shall perform the duties of deputy warden and clerk, or either of them, he shall receive the salary to which they or either of them are entitled by virtue of this Act.

Purchase of books for prisoners

SEC. 19. It shall be the duty of the Inspectors to appropriate annually the sum of twenty-five dollars out of the avails of the prison labor and fees received from visitors, for the purchase of books for the use of prisoners.

Pay of inspectors

SEC. 20. The Inspectors shall receive for their services the sum of two dollars per day, for each day actually employed in and about said prison.

Amount of bonds of the officers

SEC. 21. The warden, deputy warden and clerk of the prison shall, before entering upon the duties of their offices, execute to the people of this State a bond with two or more sureties, to be approved by the Governor, the warden in the sum of twenty thousand dollars, the deputy warden in the sum of ten thousand dollars, and the clerk in the sum of six thousand dollars, conditioned for the faithful performance of their duties according to law.

Warden—his duties

SEC. 22. It shall be the duty of the Warden to attend constantly at the prison, except when performing some other duty connected with his office, to exercise general supervision over and give necessary direction to the keepers; to examine whether they have been vigilant in the discharge of their respective duties; to examine daily into the health of prisoners, and to take charge of the real and personal estate belonging to, or connected with the prison.

Business transactions

SEC. 23. All the dealings and transactions of the prison shall be conducted in the name of the Warden.

Provisions by contract

SEC. 24. The prisoners confined in the State Prison shall be supplied with provision by contract, unless the Inspectors shall otherwise direct; such contract to be made by the warden, on such terms as may be most beneficial, to the interest of the people of this State, and subject to such regulations as the Inspectors may prescribe.

SEC. 25. All contracts to be made shall be reduced to writing, and a copy thereof filed with the clerk of the prison.

Medicines and clothing

SEC. 26. The necessary medicines, clothing and other stores shall, from time to time, be purchased by the warden, under the direction of the Inspectors.

Account of moneys

SEC. 27. It shall be the duty of the warden and deputy warden to keep a correct account of all moneys received by them or either of them, by virtue of their office, and the person to whom, and the purpose for which it was paid, and make out and deliver a quarterly statement verified to the Inspectors of the prison.

SEC. 28. The Warden shall annually, on the last Monday

Annual report

of December, close his accounts, and prepare and submit an accurate report of all moneys received on account of the prison, and of all moneys expended and the vouchers therefor, which report shall be submitted to the Legislature.

Names of convicts pardoned

SEC. 29. It shall be the duty of the Warden to report on the last Monday in December in each year, to the Secretary of State the names of convicts pardoned the preceding year, the counties in which they were tried, and the term for which they were sentenced.

Vacancy in office of warden

SEC. 30. Whenever there shall be a vacancy in the office of warden, or the warden shall be temporarily absent, all the duties of warden shall devolve upon and be performed by the deputy warden, until the vacancy be filled or the warden return.

Physician—his duties

SEC. 31. The physician shall keep a register of all convicts placed under his care, the disease with which they are afflicted, also of the decease of any and all convicts, stating their names, ages, time and cause of death.

Books and accounts

SEC. 32. All books, accounts, documents and registers shall be deemed public property, of which the Warden shall preserve at least one copy of each.

Convict labor—officers to have no interest in

SEC. 33. No officer of the prison shall employ the convict labor on any work in which he or any other officer has a personal interest.

Solitary confinement

SEC. 34. Whenever there shall be cells sufficient, each prisoner shall be confined in separate cells.

Clothing and bedding

SEC. 35. The clothing and bedding of convicts shall be of coarse material, and they shall be supplied with a sufficient quantity of coarse wholesome food.

Bibles for convicts

SEC. 36. The Warden shall furnish, at the expense of the State, a Bible to each convict who can read.

Property of convicts

SEC. 37. It shall be the duty of the Warden to take charge of any property that convicts may have at the time of entering the prison, and if the value is of five dollars or more, shall sell the same and place the proceeds at interest for the benefit of such convict, his or her representative, when he or she may leave the prison, and shall keep a correct account of all such property and the proceeds thereof.

Discharge of convicts

SEC. 38. When any convict shall leave the prison, the Warden shall furnish such convict a suit of clothes, not to exceed in value the sum of ten dollars, (if he or she be not already provided for,) at the expense of the State.

SEC. 39. No person shall, without the consent of the Warden, bring into or carry out any writing or any information to or from any convict.

Prohibition to visitors—visitors specified

SEC. 40. The following persons shall be allowed to visit the prison at pleasure: The Governor, Lieutenant Governor, Members of the Legislature, all State Officers, Prosecuting Attorneys, and all regularly authorized Ministers of the Gospel; and no other person shall be permitted to go within the walls of the prison without the special permission of the Warden.

Certified copy of sentence

SEC. 41. When any convict shall be delivered to the Warden, the officer having such prisoner in charge shall deliver to the Warden a certified copy of the sentence received by such officer from the Clerk of the Court, and shall take from the Warden a certificate of the delivery of such convict, and such certified copy of the sentence shall be evidence of the facts therein contained.

Escape of convicts—reward

SEC. 42. When any convict shall escape from the prison, it shall be the duty of the Warden to use all proper means for the apprehension of such convict, and for this purpose, shall offer a reward not to exceed one hundred dollars and not less than twenty-five dollars; *Provided*, That if such escape was by reason of the negligence of the Warden or any officer under him, the reward thus offered shall be paid by the Warden.

Payment of rewards

SEC. 43. All suitable rewards and other sums of money necessarily paid for advertising any convict, shall be audited by the Auditor and paid out of the State Treasury.

No spirituous liquors

SEC. 44. No spirituous or fermented liquors shall ever be sold on any pretence whatever in or about the prison.

Fees for conveying convicts

SEC. 45. The expenses and fees of Sheriff's and other officers incurred in conveying convicts to the State Prison, shall be paid out of the State Treasury.

Payment of expenses

SEC. 46. The Auditor is hereby authorized and required to draw his warrant on the treasury for such sums as the Inspectors may from time to time direct, for defraying the expenses in and about the State Prison.

Admission of visitors

SEC. 47. It shall be lawful for the Inspectors to establish uniform rules for the admission of visitors within the prison.

Officers exempt from military & jury duty

SEC. 48. The Warden, Deputy Warden, Clerk, Inspectors, Pysician, Assistant Keepers, and Guards, shall be exempt from military and jury duties while actually employed by the State as such officers.

Annual report to be printed

SEC. 49. There shall be printed annually, for the use of the prison, one hundred copies of the annual report of the Inspectors, and the Warden shall forward a copy of the same to each of the State Prisons in the United States.

Removal or resignation of warden

SEC. 50. On the removal or resignation of the Warden, the Auditor shall settle the accounts of such Warden on the presentation of his books, accounts and vouchers, duly authenticated for that purpose.

Lease of workshops

SEC. 51. The shops in and about the prison shall be leased by the Inspectors and Wardens to such parties as they may be able to obtain the highest and best price, and for such length of time as may seem to them proper, but not to exceed the space of five years at any one time.

Rents to be paid into state treasury

SEC. 52. The rents, revenues and profits derived from the property thus leased, shall be paid semi-annually to the Warden of the prison, and by him paid into the State Treasury.

SEC. 53. The Warden shall let to service all convicts confined in the State Prison—except such as may be precluded

Labor of convicts —wages

by the terms of their sentence—to the lessee or lessees of the prison shops and fixtures, and shall receive for the services of each able-bodied man, the sum of seventy-five cents per day.

Employment of all the convicts

SEC. 54. There shall be stipulated in every lease made to any or all the prison shops and fixtures, a provision providing for the constant employment of all convicts in the State Prison during the pendency of the lease.

Warden's dwelling

SEC. 55. The Warden shall be entitled to the use of the house built for the Warden, during his term of office, free of charge.

Attorney General —special duties

SEC. 56. It is hereby made the duty of the Attorney General of the State, and he is hereby empowered and directed, immediately to enquire into the conduct and management of the Territorial Prison by the late Warden, F. R. Delano, and all other officers of the Territorial Prison, and to institute such action or actions as may be necessary for the protection of the interest and dignity of the State.

Attorney General —special duties

SEC. 57. The Attorney General shall, as soon as practicable, investigate the title of the land appertaining to the Stillwater Prison, and report the same to the Governor of the State, and the Governor may, at his discretion, refer the matter to the Legislature at its next session, or order such proceedings to be instituted in the premises as shall be best calculated to promote the interest of the State.

Disposal of machinery and tools at present in the prison

SEC. 58. The owner or owners of the tools, machinery and fixtures in and about the Stillwater Prison, may, and are hereby authorized, to remove the same at their own proper costs and expense, and the space of twelve months is hereby allowed for the removal of the same, and for the purpose of using and removing, shall have free passage through the outer gates of the yard from the hours of 7 o'clock A. M., until 5 o'clock P. M., from the 20th of September till the 20th of March, and from 6 o'clock, A. M., till 7 o'clock P. M., during the remainder of said term; *Provided*, That the owner and owners of the tools, machinery and fixtures, shall prefer no claim against the State on account of placing such tools, machinery and fixtures within the yard of said prison; *And, provided further*, That the owners of such machinery and tools shall, within thirty days after the passage of this Act, give notice to the Governor of their acceptance of the provision of this section, and in case such notice shall not be given in the time specified above, the Attorney General is hereby empowered to commence such suit or suits against such owner or owners on behalf of the State immediately, as shall be necessary to obtain possession of the prison buildings and grounds.

Repeal of former acts

SEC. 59. An Act entitled "An Act to amend An Act entitled An Act for the government of the Territorial Prison of Minnesota, approved May 23d, 1857," and all laws and Acts or parts of Acts relating to the Territorial prison and the government thereof, are hereby repealed.

SEC. 60. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2d, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXV.

An Act for a Homestead Exemption.

SECTION 1. Eighty acres of land in the county, or a town lot with the dwelling house thereon, exempt from execution.
2. Exemption not to extend to any mortgage rightfully obtained—wife to sign mortgage.
3. Procedure to set apart homestead, on a levy being made.
4. Provides for survey of land, if dissatisfaction exists.
5. Provides for sale of all lands exceeding the limits prescribed.
6. Dwelling houses on leased property may be claimed as homesteads.
7. No exemption from sale for taxes.
8. Enumeration of personal property to be exempted from execution.
9. No exemption from attachment or execution for laborers, mechanics' or clerks wages.
10. All laws inconsistent herewith repealed.
11. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That a homestead consisting of any quantity of land not exceeding eighty acres, and the dwelling house thereon, and its appurtenances, to be selected by the owner thereof, and not included in any incorporated town, city or village, or instead thereof, at the option of the owner, a quantity of land not exceeding in amount one lot, being within an incorporated town, city or village, and the dwelling house thereon and its appurtenances, owned and occupied by any resident of this State, shall not be subject to attachment, levy or sale upon execution or any other process, issuing out of any Court within this State. This section

Homestead exemption—area and dwelling house

shall be deemed and construed to exempt such homestead in the manner aforesaid, during the time it shall be occupied by the widow, or minor child or children of any deceased person who was, when living, entitled to the benefits of this Act.

Mortgage when not effected by this law

SEC. 2. Such exemption shall not extend to any mortgage thereon, lawfully obtained, but such mortgage or other alienation of such land by the owner thereof, if a married man, shall not be valid without the signature of the wife to the same, unless such mortgage shall be given to secure the payment of the purchase money or some portion thereof.

Homestead to be selected in case of levy

SEC. 3. Whenever a levy shall be made upon the lands or tenements of a householder, whose homestead has not been selected and set apart by metes and bounds, such householder may notify the officer at the time of making such levy of what he regards as his homestead, with a description thereof, within the limits above prescribed; and the remainder alone shall be subject to sale under such levy.

Survey of land in case of dissatisfaction

SEC. 4. If the plaintiff in execution shall be dissatisfied with the quantity of land selected and set apart as aforesaid, the officer making the levy shall cause the same to be surveyed, beginning at a point to be designated by the owner, and set off in a compact form, including the dwelling house and its appurtenances, the amount specified in the first section of this Act, and the expense of such survey shall be chargeable on the execution and collected thereupon.

May sell property not included in the set-off

SEC. 5. After the survey shall have been made, the officer making the levy may sell the property levied upon, and not included in the set-off, in the same manner as provided in other cases for the sale of real estate on execution, and in giving a deed of the same, he may describe it according to his original levy, excepting therefrom by metes and bounds, according to the certificate of the survey, the quantity set off as aforesaid.

Dwellings on leased property exempt

SEC. 6. Any person owning and occupying any house or land not his own, and claiming said house as a homestead, shall be entitled to the exemption aforesaid.

No exemption from taxes

SEC. 7. Nothing in this Act shall be considered as exempting any real estate from taxation or sale for taxes.

Personal property free from levy or sale

SEC. 8. No property hereinafter mentioned or represented shall be liable to attachment, execution or sale, or any final process issued from any Court in this State.

First—The family Bible.

Second—Family pictures, school books or library, and musical instruments for use of family.

Third—A seat or pew in any house or place of public worship.

Fourth—A lot in any burial ground.

Fifth—All wearing apparel of the debtor and his family, all beds, bedsteads and bedding, kept and used by the debtor and his family, all stoves and appendages put up or kept for the use of the debtor and his family; all cooking uten-

sils, and all other household furniture not herein enumerated, not exceeding five hundred dollars.

Sixth—Three cows, ten swine, one yoke of oxen, and one horse in lieu of one yoke of oxen and a horse, a span of horses or mules, twenty sheep and the wool from the same, either in the raw material or manufactured into yarn or cloth; the necessary food for all the stock mentioned in this section, for one year's support, either provided or growing, or both, as the debtor may choose; also, one wagon, cart or dray, one sleigh, two ploughs, one drag, and other farming utensils, including tackle for teams, not exceeding three hundred dollars in value.

Seventh—The provisions for the debtor and his family necessary for one year's support, either provided, or growing, or both, and fuel necessary for one year.

Eighth—The tools and instruments of any mechanic, minor or other person, used and kept for the purpose of carrying on his trade or business, and in addition thereto, stock in trade not exceeding four hundred dollars in value; the library and implements of any professional man; all of which articles hereinbefore intended to be exempt, shall be chosen by the debtor, his agent, clerk or legal representative as the case may be.

No exemption of wages due.

SEC. 9. Nothing in this Act shall be so construed, as to exempt any property in this State from execution or attachment for clerks, laborers, or mechanics' wages.

Inconsistent laws repealed.

SEC. 10. All laws inconsistent with provisions of this Act are hereby repealed.

SEC. 11. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, eighteen hundred and fifty eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, March 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXVI.

An Act to amend Section 105, *Chapter* 71, *of the Revised Statutes.*

SECTION 1. Husband liable for debts of wife before marriage, to the value of property acquired by her.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the following proviso is hereby added to Section 105, Chapter 71, of the Revised Statutes: *Provided*, also, that the husband shall be liable for the debts of his wife, contracted before marriage, to the extent only of the property real and personal, if any, acquired or received by such husband from his wife by virtue of the marriage contract, or otherwise.

Liability for wife's debts

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary.

CHAPTER XXXVII.

An Act to provide for the Publication of the General Statutes of the State.

SECTION 1. Authorizes the Governor to appoint a Commissioner to revise the General Statutes for publication.
2. Compilation and publication to be completed within one year; to be approved by Judges of Supreme Court; quality and style of printing.
3. Authorizes the Governor to guaranty to the publisher of the Statutes the copyright; proviso as to furnishing copies to the State.
4. Bond to be given by publisher to relieve the State from any expense of said publication.
5. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That on the declination of all the Commission-

ers heretofore appointed to compile and arrange the public Statutes of the late Territory and present State of Minnesota, to proceed with such compilation, the Governor be and is hereby authorized to appoint a suitable person, learned in the law, to make such compilation: which shall include all laws of a general character which have been and shall be passed at the present session: *Provided*, That all expenses attending the appointment so made shall be borne by the party publishing such compiled Statutes, in accordance with the provisions of this Act. Compilation of the statutes

SEC. 2. That the said Statutes shall be so compiled and published, under the supervision and direction of the Governor, within one year from the date of the passage of this Act; that the compilation when made shall be subject to the examination and approval of the Justices of the Supreme Court, and the same, when so approved and published, shall be received in all places whatsoever as the laws of the State; and the quality of paper, and style of printing and binding, together with the arrangement thereof, shall be equal in all respects to Swan's Revised Statutes of Ohio, and shall be furnished with proper side-notes and references, and with a full and copious index. To be published within one year—quality and style of printing

SEC. 3. That the Governor is hereby authorized and empowered to guaranty, and the same is hereby guarantied, to the party so publishing said Statutes under his supervision, the copyright thereof: *Provided always*, That such party shall furnish to the Secretary of State one hundred copies to be deposited in the State Library, together with such number of copies as may be necessary to supply the various officers entitled to receive the laws, at a sum not exceeding three dollars per copy of five hundred pages; and on the delivery of the same to the Secretary of State, on the requisition of the Governor, the Auditor of State shall issue his warrant upon the State Treasurer for the amount thereof; and there is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated, a sum sufficient to defray the cost of the number of copies so required. Copy right guarantied to publisher—price of copies sold to the state

SEC. 4. The party publishing said Statutes under the direction of the Governor, in consideration of being guarantied in the enjoyment of the copyright of same, shall execute to said Governor a bond in the penal sum of ten thousand dollars, with good and sufficient sureties, conditioned that he will pay and sustain all the expenses incident to such publication, and forever save the State harmless of and [free] from all charges on account thereof. Publisher to give bond

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXVIII.

An Act to provide for the Creation and Regulation of Gas Light Companies.

SECTION 1. Companies may be incorporated to manufacture Gas.
2. Articles of incorporation must be adopted.
3. Public notice must be given.
4. What the notice must contain.
6. Commencement of business on filing articles of incorporation
7. Penalty for interfering with gas pipes.
8. Relates to transfers of shares.
10. Authority to erect buildings, and right of way.
11. Fraud or gross neglect, to forfeit chartered privileges.

Be it enacted by the Legislature of the State of Minnesota:

Gas companies may be incorporated

SECTION 1. That any number of persons may associate themselves together and become a body politic and corporate, for the purpose of manufacturing and supplying illuminating gas.

Articles of incorporation

SEC. 2. Previous to commencing any business, except that of their own organization, they must adopt articles of incorporation, which must be recorded in the office of the Secretary of State, in a book kept for such purposes.

Public notice

SEC. 3. A notice must also be published for four weeks in succession, in some newspaper as convenient as practicable to the principal place of business.

SEC. 4. Such notice must contain:

Contents of notice

A. The name of the corporation and its principal place of transacting business.

B. The amount of capital stock.

C. The officers of the company for the ensuing year.

D. That articles of incorporation are on record in the office of the Secretary of State, according to the provisions of this Act.

Articles to be filed and notice given

SEC. 5. The Corporation shall commence business as soon, as the articles of incorporation are filed in the office of the Secretary of State; and the notice shall be published in the newspaper within three months from the date of such filing.

By-laws and dividends

SEC. 6. The Board of Directors may make such by-laws as they may deem expedient, not repugnant to the laws and Constitution of the State, and may declare dividends from their nett earnings, to be paid to the stockholders as the Board may prescribe.

Corporate powers

SEC. 7. Such Corporation and their successors may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded, in all Courts whatsoever; also, of contracting and being contracted with, relative to the business and objects of the Corporation; may have a common seal, and may change and alter the same at pleasure; may have power to purchase, hold and lease such real estate as may be necessary for carrying on the business of the Corporation.

Unlawful opening of pipes—penalty

SEC. 8. If any person or persons shall open a communication into any gas, main or other pipes of such Corporation, without authority from the superintendent of the works, he or they shall be subject to a penalty of not less than five nor more than one hundred dollars, to be recovered before any Justice of the Peace.

Transfer of shares

SEC. 9. The transfer of shares will not be valid except as between the parties thereto, until it is regularly entered on the books of the Company, so far as to show the names of the persons by and to whom transferred, and the numbers or other designations of the shares, and the date of the transfer.

Necessary buildings—right of way

SEC. 10. Any corporation organized under the provisions of this Act, shall have authority to make the apparatus and erect the buildings necessary for manufacturing and distributing gas, with the right to enter upon any public streets, lane or highway, for the purpose of laying down all necessary pipes, by and with the consent of the municipal authorities having legal jurisdiction.

Chartered privileges when to be void

SEC. 11. The Legislature may at any time, upon gross neglect of duty, or fraud being shown against the officers of such Company, declare their right to the privileges of this Act to be null and void, and may appoint Commissioners to close up its affairs.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twentieth, one thousand eight hundred and fifty-eight. HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XXXIX.

An Act to amend an Act to execute the Trust created by an Act of Congress, entitled "An Act making a Grant of Land to the Territory of Minnesota in alternate sections, to aid in the construction of certain Railroads in said Territory, and granting public lands in alternate sections to the State of Alabama, to aid in the construction of a certain Railroad in said State," and granting certain lands to Railroad Companies therein named.

SECTION 1. Amendment to Section six, Chapter three, of the Session Laws, Extra Session, 1857, relating to a change in the line of Railroad.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section six (6), of Chapter three (3), of an Act to execute the Trust created by an Act of Congress, entitled An Act making a grant of land to the Territory of Minnesota, in alternate sections, to aid in the construction of certain railroads in said Territory, and granting public lands, in alternate sections, to the State of Alabama, to aid in the construction of a certain railroad in said State, and granting certain lands to Railroad Companies therein named, be and the same is hereby amended so as to read as follows:

Route of railroad

SEC. 6. The Minneapolis and Cedar Valley Railroad Company is hereby authorized to survey, locate, construct, complete and perpetually to have, use, maintain and operate with one or more tracks, a railroad from Minneapolis, in the direction of Faribault, to a point of junction with the aforesaid railroad from St. Paul to the southern boundary of the Territory of Minnesota, in the direction of the mouth of the Big Sioux River; thence from the said junction or crossing, via Faribault, to the south line of the Territory of Minnesota, west of range sixteen (16), and for that purpose shall have, possess and enjoy, the same rights and privileges, franchises and immunities with reference to the said route, or any Railroad to be constructed thereon as it possesses and enjoys, or shall possess and enjoy in reference to the road, described in the Act of incorporation of said Company, and all the lands, rights, privileges, powers and interests granted to and conferred upon the Territory of Minnesota, in and by virtue of said Act of Congress, approved March third, eighteen hundred and fifty-seven, entitled "An Act making a grant of lands to the Territory of Minnesota, in alternate sections, to aid in the construction of certain rail-

roads in said Territory, and granting lands to the State of Alabama, to aid in the construction of a certain railroad in said State," applicable to the said road or route—shall be and are hereby disposed of, granted and conferred to and upon the said Minneapolis and Cedar Valley Railroad Company, subject to the terms, conditions and provisions hereinafter set forth, and of the said Act of Congress; and the whole of said railroad hereby authorized to be constructed by the said Minneapolis and Cedar Valley Railroad Company, shall be completed within ten years from the third day of March, A. D. eighteen hundred and fifty-seven, and the said Company shall never set up the defence of any usury in any contract whatever. Grant of lands

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XL.

An Act to provide for the incorporation of Institutions of Learning.

SECTION 1. Corporations of learning may be instituted under certain conditions.
2. Corporate powers.
3. Powers of the Trustees.
4. Diplomas; their immunities.
5. Bonds and security required from Trustees.
6. Annual reports to be made to Superintendent of Public Instruction.
7. Trustees individually liable for debts of institution.
8. Service of legal process, how made.
9. Superintendent of Public Instruction to visit institutions.
10. Institutions organized previous to passage of Act may avail of benefits; conditions.
11. Banking or brokerage powers prohibited under this Act.
12. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Any number of persons not less than five (5),

Corporations may be formed by setting forth

may associate themselves and become a corporation for the purpose of founding, establishing and conducting a college, seminary, academy, or other institution of learning, by complying with the provisions of this Act. They shall make and subscribe a written statement, setting forth—

Name of corporation

First—The name, character and object of the corporation.

Endowment

Second—The mode and proposed amount of endowment, (which amount shall be for any such college not less than twenty-five thousand dollars ($25,000), and three thousand dollars ($3,000) for any such seminary, academy or other institution of learning.)

Capital stock

Third—The amount of capital stock subscribed, bequeathed, donated or given; the amount paid, and the amount which shall constitute a share.

Name and residence of stockholders

Fourth—The name and place of residence of the subscribers, and whether the corporate powers shall vest in them or in the Trustees of such institution.

Number of trustees

Fifth—The number of Trustees to be elected, (which shall not be less than five nor more than fifteen); and the length of time they shall continue in office, (which shall not exceed thirty years.)

Location

Sixth—The place where such college or institution is to be located.

Which statement, verified by the oath of two or more of the said subscribers, before some one authorized by law to take the acknowledgment of deeds, shall be recorded in the office of Register of Deeds of the county where such institution is to be located, and an authenticated duplicate thereof filed in the office of the Secretary of State; but such statement shall not be so filed or recorded until there is annexed thereto an affidavit made by at least two of the subscribers to said statement, that the amount of stock required by this section has been in good faith subscribed, and twenty per cent. thereof paid in.

To be verified

SEC. 2. Whenever such certified statement shall have been duly recorded and filed as aforesaid, the person subscribing the same, and such other persons as may from time to time become donors, in amount of at least one share to such institution, and their successors, if made to so appear in the statement, shall be a body politic and corporate, capable of suing and being sued, and may have a common seal which they may alter at pleasure, and be capable in law of receiving by gift, subscription, bequest, will, donation or devise, and of purchasing, holding and conveying any real estate or personal property whatever, the annual income or revenue of which shall, for a college or seminary, not exceed twenty-five thousand (25,000) dollars, and for an academy or other institutions, four thousand (4,000) dollars, for the purpose of founding, establishing and conducting any such college, seminary, academy, or other institution of learning; also, to sell, mortgage, let or otherwise use such property,

Body corporate

May receive endowments—limit

in such manner as they shall deem most conducive to the educational interests of such corporation: *Provided*, That any gift, bequest or donation to such institution, for any specific object, shall be faithfully applied to the object specified by such donor.

SEC. 3. The Trustees of any college or seminary incorporated under the provisions of this Act, besides the general powers and privileges of a corporation, shall have power:

Trustees may appoint President, professors &c

First—To appoint a President, Professors, Tutors and such other officers and agents as they may deem necessary, who shall hold their offices during the pleasure of the Trustees.

Fix salaries

Second—To ascertain and fix the salaries of the President, Professors and other officers and agents.

Prescribe study—no religious test

Third—To direct and prescribe the course of study and discipline to be observed in the college, seminary or academy: *Provided*, That no religious test whatever shall be required of any pupil in such institution.

Grant literary honors

Fourth—To grant such literary honors as are usually granted by any such college or similar institutions in the United States, and in testimony thereof, to give suitable diplomas, under their seal and the signatures of such officers of the institution, as they may deem expedient: *Provided*, That the course of study to be pursued in such college be, in all respects, as thorough and comprehensive as is usually pursued in similar institutions in the United States.

Make by-laws

Fifth—And to make all ordinances and by-laws necessary and proper to carry into effect the foregoing powers.

Diplomas

SEC. 4. Every diploma and certificate of literary attainments, granted by such trustees, shall entitle the Professor to all the immunities which, by usage or statute, are allowed to possessors by similar institutions in the United States.

Trustees to give bonds

SEC. 5. The Trustees of any institution incorporated under the provisions of this Act, may require the Treasurer and all other officers and agents, before entering upon the duties of their respective offices, to give bonds and securities in such sums as they may deem proper and sufficient.

Annual reports to superintendent of public instruction

SEC. 6. Such Trustees shall be required, on or before the first day of December, annually, to report to the Superintendent of public instruction, a statement of the name of each trustee, officer, treasurer and student of such institution, with a statement of its property, the amount of stock subscribed, donated and bequeathed, and the amount actually paid in, and such other information as will tend to exhibit its condition and operations.

Liability for debt

SEC. 7. Such Trustees shall be severally and jointly liable for all the labor performed for the corporation; but no execution shall issue against any trustees, till an execution against the corporation shall have been returned unsatisfied, in whole or in part, and no trustee shall be thus liable unless suit for

the collection of such debt shall have been brought against said corporation within one year after such debt shall have become due.

Legal process how served

SEC. 8. Service of any legal process on such corporation may be made on any one of the Trustees thereof, if such Trustee be in the county in which the institution is located; but if not, then by leaving a copy of such process with any officer in the employ thereof, at its principal place of business.

Public visitation

SEC. 9. Any institution incorporated under the provisions of this Act, shall be always subject to the visitation and examination of the Superintendent of public instruction.

Existing institutions may avail of provisions of this act—transfer of property

SEC. 10. Any institution of learning now in existence in this State, whether incorporated or not, shall be entitled to all the benefits of this Act, by complying with the provisions thereof; and may, by a vote of the majority of such corporation, or unincorporated company, or association, to be taken according to the act of incorporation, by-laws, or other legal regulations thereof, determine to avail itself of the provisions of this Act, and to take and assume corporate name and powers thereunder, and may, by like vote, transfer to such corporation, formed under this Act, all its property, both real, personal and mixed; and thereupon, said corporation, to which such property is so transferred, shall take the same in the same manner, to the same extent, and with the like effect, as the same was previously owned and held by the corporation, company or association so transferring the same, and may, in its corporate name, sue for and collect all debts, dues, demands, subscriptions, devices and bequests thereof. The said corporation so taking such property as aforesaid, shall take the same, subject to all the liens, trusts and limitations, both legal and equitable, to which the same was subject before such transfer; and shall also be liable for all the debts and obligations of such previous corporation, company or association, and shall pay the same to the full extent of the value of such property, at the time of so taking the same.

Banking powers prohibited

SEC. 11. Nothing in this Act shall be construed as granting banking powers, or as allowing the business of brokerage, or any other powers not usually granted to, or exercised by institutions for educational purposes.

SEC. 12. This Act shall take effect immediately.

GEORGE BRADLEY,
Speaker of the House of Representatives.

WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July fourteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 14, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLI.

An Act to amend an Act entitled An Act to provide for the location of the County Seat of the Counties of this State.

SECTION 1. Provides that when County Seats are located by vote, they shall remain three years without another vote.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section 1 of an Act entitled "An Act to provide for the location of the County Seat of the Counties of this State," approved March 18, 1858, be amended by adding to said section the following words, to wit: *Provided*, That in any of the counties of the State in which the County Seat has been or shall hereafter be located, by a vote of the electors of said county, the place at which the County Seat is so located, shall be and remain the County Seat, at least three years from the time of taking such vote; and no new vote shall be had on the re-location of the County Seat until the expiration of said three years.

Amendment to chapter 18

County seat being located by vote—no vote to be again taken for 3 years

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLII.

An Act to Legalize Certain Conveyances heretofore made.

SECTION 1. Conveyances with one subscribing witness made legal.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

One witness to conveyances legal

SECTION 1. That all conveyances of real estate heretofore made within the limits of this State, properly sealed and acknowledged with one subscribing witness thereto, shall be legal and valid to all intents and purposes.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-six one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLIII.

An Act to encourage Emigration.

SECTION 1. Appropriation for the preparing of a number of essays on the climate, soil and resources of Minnesota.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of one hundred dollars, or as much thereof as may be necessary, be paid to Joseph A. Whee-

lock, out of any money in the State Treasury not otherwise appropriated, for preparing and superintending the publication, in newspapers in different parts of the United States, of a series of essays on the climate, soil and resources of the State of Minnesota. Appropriation for essays

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY.
President *pro tem* of the Senate.

APPROVED—June eleven, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLIV.

An Act to extend the laws of the State over all the Indian Tribes within the boundaries of the State, and to confine them to their own lands.

SECTION 1. Indians out of their reservations subject to the laws of the State, and punished for misdemeanors and violations of law.
2. Indians required to have passes from Superintendent to leave reservation and reside on other lands.
3. Sheriffs and other officers to remove all Indians not complying with preceding section.
4. Act takes effect on passage.
5. Repeals all Acts contravening its provisions.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That if any Indian or Indians shall enter upon the limits of this State, or cross the boundary line of their reservation, and there take, steal, or destroy any property, real or personal, belonging to any citizen or inhabitant of this State, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, or shall commit any crime, offence or misdemeanor whatever, recognized by the laws of this Indians off their reservations subject to the laws of the state

State as a crime, offence or misdemeanor, he or they shall be subject to the existing laws of this State, and shall be punished accordingly; *Provided*, These laws shall not extend to crimes committed by one Indian against the person or property of another Indian, except in the case of murder.

Passports required to go off reservation

SEC. 2. No Indian or Indians belonging to any tribe, band or bands whatever, within the limits of this State, shall be allowed to leave his or their reservations and cross the boundary line thereof, and go into or upon the lands, settlements and claims belonging to the white inhabitants, or build or erect any tent, tents or tepees upon any such lands as aforesaid, without having a passport from the Superintendent, Agent or Sub-Agent of Indian Affairs, or from the officer of the United States commanding the nearest military fort on the frontier; or shall remain intentionally therein after the expiration of such passport; *And be it further provided*, Such passport shall express the object, the time he or they are allowed to remain, and the route they shall travel, nor shall such passport confer upon any Indian or Indians the right or power for hunting or fishing on any such grounds as belong to the white inhabitants.

Officers to remove all without passports

SEC. 3. It shall be lawful for any Sheriff, Constable or any other county or town officer, to remove any Indian or Indians from lands, settlements or claims belonging to the white inhabitants, if he or they have not complied with the provisions of the foregoing section; and it shall moreover, be lawful, and shall be the duty of every peace officer in their respective counties and towns, in such cases as above stated, to call to their aid such persons or power as they may deem necessary.

SEC. 4. This Act shall take effect and be in force from and after its passage.

SEC. 5. All acts or parts of acts contravening the provisions of this Act are hereby repealed.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twentieth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota,
July 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLV.

An Act for the Protection of Trout Fish.

SECTION 1. Forbids the taking of Trout Fish, by sein, net, basket or trap.
2. Penalty for violation of this Act.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all persons are hereby forbidden to take trout from any waters of this State, by means of any sein, net, basket, or trap. Prohibition

SEC. 2. That any and all persons upon being convicted of a violation of the provisions of this Act, shall pay a fine of not more than twenty-five, nor less than five dollars, which fine shall be paid into the school fund in the county where the offence was committed, and the conviction had. Penalty

SEC. 3. This Act shall take effect and be in force from and after the first day of August, 1858.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the thirtieth, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 30, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLVI.

An Act to secure the free passage of Logs and Lumber down the several rivers of this State.

SECTION 1. Rivers within the State declared public highways, for passage of logs and lumber.
2. Dams or booms, without sluices or locks, prohibited.
3. Booms or wears without sluices, on any river, to be declared public nuisances, and abated—penalty for failure.
4. Takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all rivers within the State of Minnesota,

Rivers public highways

of sufficient size for floating or driving logs, timber or lumber, and which may be used for that purpose, are hereby declared to be public highways, so far as to prevent obstructions to the free passage of logs, timber or lumber down said streams, or either of them.

Sluices on dams

SEC. 2. That no dam or boom shall hereafter be constructed or permitted on any river, as specified in this Act, unless said dam or boom shall have connected therewith a sluiceway, lock or other fixture, sufficient and so arranged, as to permit logs, timber and lumber to pass around, through or over said dam or boom, without unreasonable delay or hindrance.

Booms without provision for free passage of logs &c to be abated—penalty

SEC. 3. Any boom or wear now in or on any river, as aforesaid, that is so constructed as to prevent the free passage of logs or lumber, is hereby declared a public nuisance, which shall be abated unless a suitable sluiceway, lock or passage, as above provided, be made thereon as aforesaid, within thirty days after written notice given by any person interested; and any person or persons so owning, holding or occupying said boom or wear, shall be liable to pay five dollars for every day the same shall be permitted to remain in or on said river, after having had thirty days notice to remove said nuisance, which may be recovered before any Justice of the Peace having jurisdiction of the case, and the amount so recovered shall be collected by said Justice, and paid into the township treasury, of the proper township, for the use of common schools; and shall also be liable for any damages sustained by individuals by reason of said nuisance; *Provided*, That nothing in this Act shall be so construed as to interfere with the vested right of any chartered company now in existence.

SEC. 4. This Act to take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-eighth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota,
July 28, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLVII.

An Act making Appropriations for the support of the Government.

SECTION 1. Appropriations for salaries of State officers, and other expenses of Government, for 1858 and 1859.

1.	Salary of Governor,	$ 2,500
2.	Compensation of Lieut. Governor for 1858 and 1859.	1,600
3.	Salary of Secretary of State,	1,500
4.	" " State Auditor,	1,500
5.	" " State Treasurer,	1,000
6.	" " Attorney General,	1,000
7.	" " State Librarian,	600
8.	" " Judges of Supreme Court,	6,000
9.	" " Clerk of Supreme Court,	1,000
10.	" " Judges of District Court,	12,000
11.	" " Prosecuting Attorneys,	6,000
12.	Executive Contingent Fund,	10,000
13.	Salary of Assistant Secretary of State and contingent expenses of office,	1,600
14.	Auditor's contingent fund, and salary of Ass't. Auditor,	2,500
15.	Contingent fund and clerk hire of Treasurer,	1,000
16.	Per diem and mileage of County Treasurers making tax payments,	2,500
17.	Attorney General's contingent fund,	2,000
18.	Supreme Court contingent fund,	500
19.	Salaries of State Prison officers,	3,400
20.	Payment of sums due late Territorial officers,	3,000
21.	W. F. Wheeler for index to Constitution,	50
22.	July interest on outstanding bonds,	10,000
23.	Incidental printing fund, balance.	7,500
24.	Printing fund, other than the preceding,	15,000
25.	Publication of the Laws.	1,600
26.	Newspapers furnished the Legislature,	2,500
27.	Pay of Code Commissioners and stationery, and iron safes for 1st and 2nd Lumber Districts,	1,850
28.	Incidental expenses of Legislature, not otherwise provided for, $5,000, stationery for members, $9,500,	14,500
29.	Principal and interest on Territorial bonds,	4,200
30.	For newspapers in 1856, $59, stationery in 1856, $50, and for safes, books, &c., for Bank Auditor's office, $1,500,	1,609

SECTION 2. Specifications as to manner of drawing warrants for appropriations set forth.

3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That for salaries for State officers for the year eighteen hundred and fifty-nine, and for salaries for the year eighteen hundred and fifty eight, not otherwise provided for, and for expenditures generally in support of the Government of this State up to the end of the next fiscal year, to wit: Up to the first day of January, A. D 1860, and for the payment of expenses already incurred and not otherwise provided for, the following sums of money, or so much thereof as may be necessary, shall be, and the same are hereby appropriated, that is to say,

First. For the salary of the Governor, two thousand five hundred dollars.

Salaries of state officers

Second. For compensation of the Lieutenant Governor, for 1858 and 1859, one thousand six hundred dollars.

Third. For a salary of the Secretary of State, one thousand five hundred dollars.

Fourth. For the salary of the State Auditor, one thousand dollars.

Fifth. For the salary of the State Treasurer, one thousand dollars.

Sixth. For the salary of the Attorney General, one thousand dollars.

Seventh. For the salary of the State Librarian, six hundred dollars.

Eighth. For the salaries of the Judges of the Supreme Court, six thousand dollars.

Ninth. For the salary of the Clerk of the Supreme Court, one thousand dollars.

Tenth. For the salaries of the Judges of the District Court, twelve thousand dollars.

Eleventh. For the salaries of the Prosecuting Attorneys, six thousand dollars.

Twelfth. For an Executive Contingent Fund for State purposes, including clerk hire, care of and fuel for capitol buildings, hire of Engineers and Surveyors, and all other necessary expenditures and expenses of the Executive Department, not otherwise provided for by law, ten thousand dollars.

Thirteenth. For the salary of the Assistant Secretary of State and the contingent expenses of that office, sixteen hundred dollars.

Contingent funds for state officers

Fourteenth. For contingent fund to the office of State Auditor, for salary of Assistant Auditor, clerk hire, and other incidental necessary expenses, two thousand five hundred dollars.

Fifteenth. For clerk hire and all contingent expenses in the office of the State Treasurer, one thousand dollars.

Sixteenth. For *per diem* and mileage of County Treasurers in coming to and returning from the seat of government, to pay in full the State taxes of their respective counties, two thousand five hundred dollars.

Seventeenth. For contingent fund to the office of Attorney General to pay for fees, mileage and attendance upon Court, which may be ordered and authorized by law, two thousand dollars.

Eighteenth. For contingent fund to pay expenses appertaining to the Supreme Court, five hundred dollars.

Salaries of state prison officers

Nineteenth. For the salary of the Warden of the Penitentiary, six hundred dollars; for the pay of Deputy Warden, Clerk and Inspectors of Prison, eight hundred dollars; for repairs of Penitentiary, two thousand dollars.

Twentieth. For the payment of any sums due late Territorial or State officers for salaries or contingent or necessary expenditures or expenses of such office or officer chargeable to the State, three thousand dollars; *Provided*, That no officer who was entitled to receive a compensation for his services from the United States, nor any officers of the United States shall receive any benefit under this Act. To late territorial officers

Twenty-first. For the services of W. F. Wheeler in preparing and furnishing to the State an analytical index to the Constitution, fifty dollars. For index

Twenty-second. For the payment of interest falling due in July, 1859, on outstanding State Bonds, ten thousand five hundred dollars. For interest on bonds

Twenty-third. For the incidental printing and binding ordered by the present Legislature, seven thousand five hundred dollars.

Twenty-fourth. For the printing and binding authorized, required or ordered by the present Legislature, other than the incidental printing provided for in the preceding specification, and for such printing, binding and advertising as are authorized to be done under the contract law, approved March 10, 1858, or otherwise authorized or to be authorized by law, and done prior to January first, 1860, fifteen thousand dollars. Printing and binding

Twenty-fifth. For the publication of the laws of the present postponed meeting of the Legislature, to wit: From the second day of June 1858, one thousand six hundred dollars.

Twenty-sixth. For newspapers furnished by order of this Legislature, two thousand five hundred dollars.

Twenty-seventh. For the pay of the three Commissioners appointed by this Legislature, to frame a Code of practice for the State, to each, four hundred dollars—one thousand two hundred dollars; and for stationery furnished the said Commissioners, to be certified correct by a majority of the Commissioners, one hundred and fifty dollars. There is further appropriated the sum of five hundred dollars to purchase iron safes for the first and second lumber districts. Code commissioners

Twenty-eighth. For all other incidental expenses incurred by this Legislature not otherwise provided for by law, five thousand dollars. The sum of six thousand dollars for payment of members in full for stationery, as per resolution of the House of Representatives, August ninth, 1858. For the payment of members and officers of the Senate in full for postage stamps, as per resolution of the Senate, adopted August eleventh, 1858, three thousand five hundred dollars. Legislative expenses

Twenty-ninth. For the payment of principal and interest of Territorial Bonds, falling due May, 1859, four thousand two hundred dollars. Principal and interest of territorial bonds

Thirtieth. To Merrit & Hutchins for newspapers furnished members of the Legislature for the winter of 1856, per order of the Legislature, fifty-nine dollars. To Charles H. Old accounts.

Hamilton for stationery supplied the Territorial Legislature in 1856, fifty dollars. For safe, books and clerk hire for Bank Auditor's office, fifteen hundred dollars.

Warrants—how to be issued

SEC. 2. No moneys appropriated in the preceding section shall be paid except on presentation of the warrant of the Auditor; and the Auditor shall issue no warrant for the payment of any bill, claim or demand upon the following specified funds or classes of this appropriation, until such bills, claims or demands shall be approved and certified as being correct by the department or authorities herein named, that is to say,

In specifications 2, 12, 20 and 17, by the Governor.

In specification 13, by the Secretary of State.

In specifications 15 and 16, by the State Treasurer.

In specification 18, by one of the Judges of the Supreme Court.

In specifications 23, 26 and 28, by the presiding officer and chief clerk of such branch of the Legislature to which the claim or demand relates. All other classes or specified appropriations in this Act, or any appropriation or act, unless otherwise specially provided for, shall be paid upon the warrant of the Auditor only, and it shall be the duty of the Auditor to examine and audit all bills, claims or orders whatsoever, whether the amount be certified by any other officer or department or not, before he shall issue any warrant on the Treasurer for the payment of such bill, claim or demand.

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

I have signed the above bill, protesting against the items of $6,000 and $3,500, contained in specification number twenty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN Secretary.

CHAPTER XLVIII.

An Act conferring the Powers of a Court Commissioner upon Judges of Probate, and prescribing their duties and fees.

SECTION 1. Judges of Probate empowered to act as Court Commissioners—Fees for the duties performed.
2. Record Books to be procured at the expense of the County.
3. Judge of Probate to keep his office at County Seat—County to provide suitable office.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Judge of Probate in each organized county, to the capacity of whom the District Judge of the county, shall have certified upon due examination of said District Judge, shall act as a Court Commissioner, and shall have and may exercise the power of a Judge of the District Court at chambers, and administer oaths, take the acknowledgement of deeds, and other instruments in writing, allow writs of certiorari and injunction and of habeas corpus, may order and determine upon the amount and sufficiency of bail; he may take all such testimony and depositions of witnesses to be used in cases at law as may be provided for by rule or order of the District Court; he may state accounts between parties in cases referred to him by order of the District Court, and tax costs, and shall be entitled to receive compensation therefor, according to the provisions following in this section. For taking bail, one dollar; deciding upon an application for a writ of habeas corpus, or certiorari, one dollar, whether such writ be allowed or not; every attendance upon the hearing of any motion for any order, which such officer is authorized to grant, one dollar, and the like fee for attendance upon any motion for any official act to be done by such officer, where no fee is specially provided for such act. Every order for a commission to examine witnesses, fifty cents; attending, settling, certifying interrogatories, to be annexed to a commission, one dollar; every order for the examination of a witness conditionally or upon any proceedings to perpetuate his testimony, fifty cents; every day's attendance on the examination of such witness, five dollars; every necessary order in the progress of a cause, except orders to stay proceedings, fifty cents; taking a bond or recognizance, when the same is required or authorized by law, one dollar; for deciding on the sufficiency of sureties, and certifying such sufficiency in cases when it

Judges of probat to act as court commissioners—their powers

Fees to be charged

the collection of such debt shall have been brought against said corporation within one year after such debt shall have become due.

Legal process how served

SEC. 8. Service of any legal process on such corporation may be made on any one of the Trustees thereof, if such Trustee be in the county in which the institution is located; but if not, then by leaving a copy of such process with any officer in the employ thereof, at its principal place of business.

Public visitation

SEC. 9. Any institution incorporated under the provisions of this Act, shall be always subject to the visitation and examination of the Superintendent of public instruction.

Existing institutions may avail of provisions of this act—transfer of property

SEC. 10. Any institution of learning now in existence in this State, whether incorporated or not, shall be entitled to all the benefits of this Act, by complying with the provisions thereof; and may, by a vote of the majority of such corporation, or unincorporated company, or association, to be taken according to the act of incorporation, by-laws, or other legal regulations thereof, determine to avail itself of the provisions of this Act, and to take and assume corporate name and powers thereunder, and may, by like vote, transfer to such corporation, formed under this Act, all its property, both real, personal and mixed; and thereupon, said corporation, to which such property is so transferred, shall take the same in the same manner, to the same extent, and with the like effect, as the same was previously owned and held by the corporation, company or association so transferring the same, and may, in its corporate name, sue for and collect all debts, dues, demands, subscriptions, devices and bequests thereof. The said corporation so taking such property as aforesaid, shall take the same, subject to all the liens, trusts and limitations, both legal and equitable, to which the same was subject before such transfer; and shall also be liable for all the debts and obligations of such previous corporation, company or association, and shall pay the same to the full extent of the value of such property, at the time of so taking the same.

Banking powers prohibited

SEC. 11. Nothing in this Act shall be construed as granting banking powers, or as allowing the business of brokerage, or any other powers not usually granted to, or exercised by institutions for educational purposes.

SEC. 12. This Act shall take effect immediately.

GEORGE BRADLEY,
Speaker of the House of Representatives.

WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July fourteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 14, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLI.

An Act to amend an Act entitled An Act to provide for the location of the County Seat of the Counties of this State.

SECTION 1. Provides that when County Seats are located by vote, they shall remain three years without another vote.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That section 1 of an Act entitled "An Act to provide for the location of the County Seat of the Counties of this State," approved March 18, 1858, be amended by adding to said section the following words, to wit: *Provided*, That in any of the counties of the State in which the County Seat has been or shall hereafter be located, by a vote of the electors of said county, the place at which the County Seat is so located, shall be and remain the County Seat, at least three years from the time of taking such vote; and no new vote shall be had on the re-location of the County Seat until the expiration of said three years.

Amendment to chapter 18

County seat being located by vote—no vote to be again taken for 3 years

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLII.

An Act to Legalize Certain Conveyances heretofore made.

SECTION 1. Conveyances with one subscribing witness made legal.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

One witness to conveyances legal

SECTION 1. That all conveyances of real estate heretofore made within the limits of this State, properly sealed and acknowledged with one subscribing witness thereto, shall be legal and valid to all intents and purposes.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-six one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLIII.

An Act to encourage Emigration.

SECTION 1. Appropriation for the preparing of a number of essays on the climate, soil and resources of Minnesota.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the sum of one hundred dollars, or as much thereof as may be necessary, be paid to Joseph A. Whee-

lock, out of any money in the State Treasury not otherwise appropriated, for preparing and superintending the publication, in newspapers in different parts of the United States, of a series of essays on the climate, soil and resources of the State of Minnesota. Appropriation for essays

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY.
President *pro tem* of the Senate.

APPROVED—June eleven, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLIV.

An Act to extend the laws of the State over all the Indian Tribes within the boundaries of the State, and to confine them to their own lands.

SECTION 1. Indians out of their reservations subject to the laws of the State, and punished for misdemeanors and violations of law.
2. Indians required to have passes from Superintendent to leave reservation and reside on other lands.
3. Sheriffs and other officers to remove all Indians not complying with preceding section.
4. Act takes effect on passage.
5. Repeals all Acts contravening its provisions.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That if any Indian or Indians shall enter upon the limits of this State, or cross the boundary line of their reservation, and there take, steal, or destroy any property, real or personal, belonging to any citizen or inhabitant of this State, or shall commit any murder, violence, or outrage upon any such citizen or inhabitant, or shall commit any crime, offence or misdemeanor whatever, recognized by the laws of this Indians off their reservations subject to the laws of the state

State as a crime, offence or misdemeanor, he or they shall be subject to the existing laws of this State, and shall be punished accordingly; *Provided*, These laws shall not extend to crimes committed by one Indian against the person or property of another Indian, except in the case of murder.

Passports required to go off reservation

SEC. 2. No Indian or Indians belonging to any tribe, band or bands whatever, within the limits of this State, shall be allowed to leave his or their reservations and cross the boundary line thereof, and go into or upon the lands, settlements and claims belonging to the white inhabitants, or build or erect any tent, tents or tepees upon any such lands as aforesaid, without having a passport from the Superintendent, Agent or Sub-Agent of Indian Affairs, or from the officer of the United States commanding the nearest military fort on the frontier; or shall remain intentionally therein after the expiration of such passport; *And be it further provided*, Such passport shall express the object, the time he or they are allowed to remain, and the route they shall travel, nor shall such passport confer upon any Indian or Indians the right or power for hunting or fishing on any such grounds as belong to the white inhabitants.

Officers to remove all without passports

SEC. 3. It shall be lawful for any Sheriff, Constable or any other county or town officer, to remove any Indian or Indians from lands, settlements or claims belonging to the white inhabitants, if he or they have not complied with the provisions of the foregoing section; and it shall moreover, be lawful, and shall be the duty of every peace officer in their respective counties and towns, in such cases as above stated, to call to their aid such persons or power as they may deem necessary.

SEC. 4. This Act shall take effect and be in force from and after its passage.

SEC. 5. All acts or parts of acts contravening the provisions of this Act are hereby repealed.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twentieth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota,
July 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLV.

An Act for the Protection of Trout Fish.

SECTION 1. Forbids the taking of Trout Fish, by sein, net, basket or trap.
2. Penalty for violation of this Act.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all persons are hereby forbidden to take trout from any waters of this State, by means of any sein, net, basket, or trap. Prohibition

SEC. 2. That any and all persons upon being convicted of a violation of the provisions of this Act, shall pay a fine of not more than twenty-five, nor less than five dollars, which fine shall be paid into the school fund in the county where the offence was committed, and the conviction had. Penalty

SEC. 3. This Act shall take effect and be in force from and after the first day of August, 1858.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the thirtieth, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 30, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XLVI.

An Act to secure the free passage of Logs and Lumber down the several rivers of this State.

SECTION 1. Rivers within the State declared public highways, for passage of logs and lumber.
2. Dams or booms, without sluices or locks, prohibited.
3. Booms or wears without sluices, on any river, to be declared public nuisances, and abated—penalty for failure.
4. Takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all rivers within the State of Minnesota,

of Deeds, whenever there shall be presented to him a certificate signed by the mortgagee or grantee, his personal representatives or assigns, executed and acknowledged, as hereinbefore prescribed, to entitle conveyances, mortgages or other instruments to be recorded, specifying that such mortgage or conditioned conveyance has been paid, or otherwise satisfied or discharged. Every such certificate and the proof and acknowledgment thereof, shall be recorded at full length and a reference shall be made to the book and page containing such record, in the minute of the discharge of such mortgage or conditional conveyance made upon the record thereof, and shall endorse upon such certificate the time and place of recording the same as provided in Section five of this Act.

Discharge of mortgage or conditional conveyance

SEC. 7. No Register of Deeds shall record any conveyance, mortgage or other instrument by which any interest in real estate is or may be in any way affected, unless the same shall have been duly signed and executed and acknowledged, according to law; and any such officer offending herein, shall be adjudged guilty of a misdemeanor, and on conviction, shall be subject to fine and imprisonment, and shall be liable in damages to the party injured, in a civil action.

Instruments for record to be duly signed &c

SEC. 8. The term "real estate," as used in this Act, shall be construed as co-extensive in meaning [with] "lands, tenements, and hereditaments," and as embracing all chattels real, excepting leases, for a term not exceeding three years.

Real estate defined

SEC. 9. The term "purchaser," as used in this Act, shall be construed to embrace every person to whom any estate or interest in real estate shall be conveyed for a valuable consideration, and also every assignee of a mortgage or lease, or other conditional estate.

Purchaser defined

SEC. 10. The term "conveyance," as used in this Act, shall be construed to embrace every instrument in writing by which any estate or interest in real estate is created, alienated, mortgaged or assigned, or by which the title to any real estate may be affected in law or in equity, except last wills or testaments, and leases for a term not exceeding three years.

Conveyance defined

SEC. 11. All laws and parts of laws inconsistent with the provisions of this Act, are hereby repealed.

Repeal of acts inconsistent

SEC. 12. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the third, one thousand eight hundred and fifty-eight. HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LIII.

An Act securing to Mechanics a Lien on Lands and Buildings.

SECTION 1. A mechanics' lien will rest on the building and land on which it is is erected not exceeding forty acres, or on a village lot not exceeding one acre.
2. No lien will exist longer than sixty days after completion of work, except by filing a certificate with Register of Deeds, and then action for recovery must be instituted within a year.
3. Satisfaction of lien, certificate to be registered as before; penalty for non compliance.
4. Jurisdiction of all claims under this Act to be in the District Courts.
5. Executors and administrators, same right as testator and intestate while living.
6. Repeal of all acts inconsistent herewith, and of Section 9 to 29 of Chapter XVI. of Session Laws of 1855.
7. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That every dwelling-house or other building for the construction, erection, or repairs of which any person shall have a claim for material furnished or services rendered, shall, with the land on which the same may stand, not exceeding forty acres, or if the building be within the limits of any city, town, or village plat, the lot on which such building shall stand, not exceeding one acre in extent, be subject to the payment of said claim; and the same shall be a lien on such land and building, and shall take precedence of any other lien or incumbrance which shall originate subsequent to the commencement of such services, or the furnishing of such materials.

Lien on building and land

Precedence of subsequent claims

SEC. 2. The debt for services or materials as aforesaid shall not remain a lien on such land or building for a longer period than sixty days after the person performing such services or furnishing such materials has ceased so to do, unless he shall lodge with the Register of Deeds of the county in which said building is situated a certificate in writing, describing the premises, the amount claimed as a lien thereon, and the date of the commencement of the claim—the same being first subscribed and sworn to as the amount justly due, as nearly as the same can be ascertained: which certificate shall be recorded by the Register of Deeds in a separate book to be provided by the Register of Deeds for that purpose; nor shall the debt for services or material as aforesaid remain a lien on such land or building for a longer period than one year after such certificate in writing has been so lodged with the Register of Deeds, unless an action for the recovery thereof be instituted within the said year.

Lien to exist for 60 days unless certificate is filed

Form of certificate

Commencement of action

Satisfaction of lien—certificate to be filed—form of certificate

SEC. 3. Any person who has lodged a certificate as aforesaid, after receiving satisfaction for his debt, or after final judgment against him showing that nothing is due by reason of his claim, shall, at the request of any person interested in the premises on which the same was a lien, or interested in having the lien removed, lodge a further certificate with the Register of Deeds that said debt is satisfied and said lien removed; which certificate shall be recorded by said Register of Deeds as aforesaid, and shall forever discharge said lien; and if any person who has received satisfaction as aforesaid, against whom judgment has been rendered as aforesaid, shall not within ten days after request in writing, lodge a certificate with the Register of Deeds aforesaid, he shall pay to the party or parties aggrieved a sum not exceeding one-half the debt claimed as a lien on such premises, according to the circumstances of the case, to be recovered in a civil action. The Register of Deeds shall be allowed for recording the certificates provided for by this Act the same fees to which they are entitled by law for recording other instruments in writing.

Fees for recording certificate

Jurisdiction only in district court

SEC. 4. The District Court of this State shall have jurisdiction of all cases arising under the provisions of this Act, without regard to the amount of the claim for which the lien herein provided is sought to be enforced.

Rights of executors &c

SEC. 5. That executors and administrators under this Act shall have the same rights and be subject to the same liabilities that their testator or intestate would or might have if living.

Repeal of former acts

SEC. 6. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed; and all of Chapter XVI. of the Session Laws of 1855, entitled "A Bill legalizing the Town of Winona, and for other purposes," from section nine to twenty inclusive, are [is] hereby repealed.

SEC. 7. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twenty, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LIV.

An Act to Create a Lien in favor of Mechanics and others in certain cases.

SECTION 1. Authorises a lien upon building and land, or on both, for labor or materials furnished.
2. Owners of buildings, &c., on demand of mechanics or laborers, to keep out amounts of labor due, from payments to contractors.
3. Owners to furnish contractors with copies of claims presented for payment—failure of contractors to give notice, considered as assenting to demands.
4. Disputed claims to be submitted to arbitration.
5. Contractor failing to pay, owner to pay the demands—suit against owner.
6. Collusion of owner with contractor to pay over money in advance—owner to be liable.
7. Account of person entitled to lien, to be filed with and recorded by the Register of Deeds—liens to continue for two years.
8. Commencement of suits—lien to continue until final settlement.
9. Suspension of work by owners without consent of mechanics, they may continue it at their own election so as to prevent waste.
10. Defective titles to land wherever buildings are erected—buildings to be leased until liens are satisfied.
11. Failure to sell property on execution, the same to be leased for liquidation of liens.
12. Liens to exist for manual labor on lands, logs, timber or lumber.
13. Discharge of liens.
14. Lien holders to proceed by attachment upon owners of property, who are without reach of process.
15. Executors and Administrators same rights as testator and intestate.
16. Fees of Registers for recording liens.
17. On satisfaction of lien, certificate thereof to be lodged with Register—liens filed under previous laws, to be prosecuted to final judgment under their provisions.
18. Form of affidavit for filing lien.
19. Repeals former acts inconsistent.
20. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Lien upon buildings and land or boats

SECTION 1. That any person or company who shall have performed, or may hereafter perform, labor or furnish materials or machinery for erecting, constructing, altering or repairing any house, mill, manufactory or other building or appurtenances, or for constructing, altering or repairing any boat, vessel, or other water craft, by virtue of a contract or agreement with the owner or agent thereof, shall have a lien to secure the payment of the same, upon such house, mill, manufactory or other building and appurtenances, and upon such boat, vessel or other water craft, together with the right, title or interest of the person or persons owning such house, mill, manufactory or other building and appurtenances on and to the land upon which the same shall be situated, not exceeding forty acres, and if erected within the limits of any city, town or village plat, the lot of ground on which said house, mill, manufactory or other building and appurtenance shall be erected, not exceeding in extent one acre.

Owners of buildings to withhold payment from contractors to satisfy claims

SEC. 2. That every mechanic or other person doing or performing any work towards the erection or repair of any house, mill, manufactory, or other building or appurtenance, or the construction, alteration or repair of any boat, vessel or other water craft, erected under a contract between the owner thereof and builder, or other person, whether such work shall be performed as journeyman, laborer, carman, sub-contractor or otherwise, or any person who shall furnish materials for the construction of such building or vessel, whose demands for work so done or materials so furnished, has not been paid or satisfied, may deliver to the owner of such building or vessel, an attested account of the amount and value of the work or labor performed, or the materials thus furnished and remaining unpaid, and thereupon such owner shall retain out of his subsequent payments to the contractor, the amount of such work and labor for the benefit of the person so performing the same.

Copies of claims for contractors—failure to object

SEC. 3. Whenever any account of labor performed, or materials furnished, as referred tc in the preceding section, shall be placed in the hands of the owner of any building or vessel, as above stated, or his authorized agent, it shall be the duty of such owner or agent to furnish his contractor with a copy of such papers, so that if there be any disagreement between such contractor and his creditor, they may, by amicable adjustment, or by arbitration, ascertain the true sum due; and if the contractor shall not, within ten days after the receipt of such papers, give the owner writen notice that he intends to dispute the claim, or if in ten days after giving such notice, he shall refuse or neglect to have the matter adjusted, as aforesaid, he shall be considered as assenting to the demand, and the owner shall pay the same when it becomes due.

Arbitration of disputed claims

SEC. 4. If the contractor shall dispute the claim of his journeyman or other person, for work done or materials furnished, as aforesaid, and the matter cannot be adjusted between themselves, it shall be submitted to the arbitrament of three disinterested persons, one to be chosen by each of the parties, and one by the two thus chosen, and their decision, or the decision of any two of them, shall be conclusive in the case submitted.

Contractor failing to pay—owner to pay

SEC. 5. When the account shall be adjusted, as above provided, and the contractor shall not, within ten days after it is so adjusted, pay the sum to his creditor, with the costs incurred, the owner shall pay the same out of the fund as above provided; and which amount may be recovered from the said owner by the creditor of the said contractor, and in action for money had and received to the use of said creditor, and to the extent in value of any balance due by the owner to his contractor under the contract with him at the time of the notice first given, as aforesaid, or subsequently accruing to such contractor, under the same, if such amount shall be less than the sum due from said contractor to his creditor.

SEC. 6. If by collusion, the owner of any building erected by contract, shall pay to his contractor any money in advance of the money due on said contract, and if the amount still due the contractor after such payment has been made, shall be insufficient to satisfy the demand made in conformity with the provisions of this Act, for labor done and materials furnished, the owner shall be liable to the amount that would have been due at the time of his receiving the account of such work or materials, in the same manner, if no such payment had been made. Collusion of owner and contractor —penalty

SEC. 7. That any person entitled to a lien under this Act shall make an account, in writing, of the item of labor, skill, material and machinery furnished, or either of them, as the case may be, and after making oath thereto, within one year from the time of performing such labor and skill or furnishing such material and machinery, shall file the same in the Registers office of the county in which such labor, skill, and materials shall have been furnished, which account so made and filed, shall be recorded in a book to be provided, separately, by the Recorder for that purpose, and shall, from the commencement of such, or the furnishing of such materials, and for two years after the completion of such labor or the furnishing of such materials, operate as a lien on the several description of structures and buildings, and the lots of ground, on which they stand, in the first section of this Act named. When any labor has been done, or materials furnished, as provided, on a written contract, the same, or a copy thereof, shall be filed with the account herein required. Accounts to be recorded—lien to hold for two years

SEC. 8. That every person or persons holding such lien, may proceed to obtain a judgment for the amount of his or their account thereon, according to the course of legal proceedings in like cases; and when any suit or suits shall be commenced on such accounts, within the time of such lien, the lien shall continue until such suit or suits be finally determined and satisfied. Commencement of suits

SEC. 9. That when the owner or owners of any house or buildings, described in the first Section of this Act, shall suspend its progress, or completion, without the consent of such laborers, mechanics or furnishers; or if the progress or completion of the same be suspended by the decease of the owner or owners, at a stage when, from its unfinished state, such structure would go to waste, the laborers, mechanics and furnishers thereto, or any of them, may, at their election, proceed with the same at their cost, so far as to inclose such building and thereby prevent such waste. *Provided*, The work so done, after said suspension, shall be according to the contract and the plan of the owner or owners. Suspension of work—rights of mechanics

SEC. 10. That if the person or persons also may erect as owner or owners, any building described in the first Section of this Act, be not, at the suspension or completion of the

Defective titles to land—lease of buildings

same, possessed of the legal but equitable title to the ground on which the same is erected (if the same be a fixture) and the fact of such defect of title be made to appear to the Court before whom any judgment or judgments under this Act may have been obtained; or if the same be returned by any legal officer, to whom any execution under this Act shall be directed, in either case the Court shall direct the officer who has returned, or who is authorized by law to serve such execution, to rent or lease such building or buildings, until the rents and issues thereof shall pay or satisfy the several liens on which judgment may be had against the same. *Provided*, This law shall not be so construed, as to interfere with prior bona fide lien on grounds on which such building or buildings shall be erected, (if a fixture.)

Failure to sell on execution to be leased

SEC. 11. That in all other cases of judgment or judgments obtained in favor of any lien holder or holders, if the property bound by such lien will not sell on execution as provided by law in other cases, having been once duly offered, the Court before whom such judgment or judgments may be obtained, may direct the officer aforesaid, to lease the same in the manner and for the purpose pointed out in the preceding section; and the officer giving such lease or leases shall therein require the payment to be made to him, or his successors in office, which successor or successors shall have the same power and perform the same duties therein as the maker of the lease or leases should or could do; and in cases where the money may be collected by said officer on lease or leases made under this Act, it shall be his duty, forthwith, to pay the same into Court where the judgment or judgments were obtained, which money shall be distributed to the several lien holders interested in said judgments, in proportion to their several demands.

Liens to exist for manual labor on lands, logs, timber or lumber

SEC. 12. Any person or persons performing manual labor upon any land, logs, timber or lumber, for or on account of the owner, agent or assignee thereof, may avail themselves of the foregoing provisions of this Act, and upon complying with the requirements thereof, shall have a like lien upon said lands, logs, timber or lumber, for the amount of work and labor done and performed; and the said lien may be carried into force and effect, pursuant to the foregoing provisions of this Act.

Discharge of liens

SEC. 13. That all lien or liens may be discharged by the payment of judgment or debt, with all legal costs, before the property on which such lien or liens attached be sold or leased under this Act; and if any lien holder or holders, after the same be duly tendered to him or them, shall proceed at law, or shall refuse to give a due discharge from such lien, then such lien holder or holders shall forfeit all lien and pay all costs.

SEC. 14. That if the owner or owners of the property

which is subsequent to a lien under this Act, be without the reach of process, or resident without the State, any lien holder or holders may proceed by attachment, against the same, as in other cases, and the Court before whom the same attachment is pending, on the entry of judgment, on return of the proper officer, shall have the same power to order lease or leases, as is given in the tenth and eleventh sections of this Act. Owners beyond reach of process attachment

SEC. 15. That executors and administrators under this Act shall have the same rights and be subject to the same liabilities that their testator or intestate would or might have if living. Rights of executors and administrators

SEC. 16. That the Registers of counties, for filing and recording contracts and accounts under this Act, shall be paid the same fees they are legally entitled to in other cases. Fees of register

SEC. 17. Each and every person in favor of whom any such lien has existed, after receiving satisfaction of his or their debt, or after final judgment against him or them by a competent tribunal, showing that nothing is due by reason of such claims, shall, at the request of any person interested in the property on which the same was a lien, or who is interested in having the lien removed, or of his or their legal representatives, lodge a certificate with said Register, that the said debt is satisfied and said lien removed, which certificate shall be filed and recorded by the Register on the margin of the record, in the same manner that releases of mortgages are now by law required to be recorded; and when so recorded, shall for ever discharge and release said lien; and if such person or persons, having received satisfaction as aforesaid, by himself or attorney, or judgment having been rendered him as aforesaid, shall not, within ten days after request in writing, lodge a notice in writing, with the register, as is prescribed in this section, he or they neglecting or refusing so to do, shall forfeit and pay to the party or parties so aggrieved, any sum of money not exceeding one half of the debt claimed, as a lien on such property, according to the circumstances of the case, to be recovered in a civil action; and the party lodging such certificate as aforesaid, shall pay to the register twelve and a half cents for recording each notice or certificate as aforesaid. In all cases where liens have been filed under pre-existing laws, the same may be prosecuted to final judgment under such law; and in all cases where the right to liens have accrued as provided in this Act, the same may be prosecuted in accordance with the provisions of this Act. Satisfaction of lien—certificate thereof

Liens filed under former laws

SEC. 18. The following form may be used under this Act:

STATE OF MINNESOTA, } ss.
County. }

Form of affidavit for filing lien

A. B. affiant, makes oath and says: That the annexed is a true and correct account of the labor performed, and mate-

rial (or say machinery) furnished by him (or them) to and for (here give name or names) at said county; and the prices thereof set forth in the account hereto annexed, are just and reasonable, and the same is unpaid; that said labor was performed, and material (or say machinery) was furnished for said C. D. at the time in said account mentioned under and by virtue of a contract between affiant and C. D., (if the contract was in writing, add above copy of which is hereto annexed, marked A.) and for (constructing, or say, altering, or say repairing a certain boat called, (and so forth,) giving a description of the water craft; or say erecting, or say repairing a certain house, or say mill, giving the common name of the building; or say a certain piece of land, giving location, etc.; or say a lot of timber, or logs, or lumber, etc.)

Form of affidavit

And affiant further makes oath and says: That the said C. D. was, at the time said contract was entered into and said labor was performed, and said materials (or say machinery) was furnished, the owner of house, (or say mill, or say said manufactory, naming the kind of building,) and that said building is situate upon a certain lot of land owned by said C. D., in town, section , range , in said county , and this affiant claims a lien on the premises.

(Signed,) A. B.

Sworn and subscribed before me this day of , A. D. 18 .

H—— G——, J. P.

Repeal of former acts

SEC. 19. All acts and parts of acts inconsistent hereunto are hereby repealed.

SEC. 12. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelve, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LV.

An Act to provide for the creation and regulation of Corporations.

CHAPTER I.—OF CORPORATIONS FOR PECUNIARY PROFIT.

SECTION 1. Corporations may be established for transaction of any lawful business.
2. Powers of the corporation.
3. Articles of incorporation to be recorded—Principal place of business.
4. Articles of incorporation of companies for internal improvements to be filed with Secretary of State—Indebtedness.
5. Public notice to be given.
6. Contents of notice.
7. Commencing business—when valid.
8. Changes to be published same as original articles.
9. Duration of corporations.
10. Dissolution of corporations.
11. Newspaper publication of dissolution to be given.
12. By-laws of the corporation to be posted up for public inspection.
13. Statement of capital stock to be posted.
14. Intentional fraud in failing to comply with articles of incorporation—Penalty.
15. Diversion of funds to be deemed fraud.
16. Dividends by Insurance Companies—proviso.
17. Individual liability of stockholders, in failing to comply substantially with requisitions of this act.
18. Forfeiture of chartered rights, how caused.
19. False books or accounts, a misdemeanor.
20. Transfer of shares, when valid.
21. Non-user of franchise, when dissolved by.
22. Closing up business of corporations.
23. Individual liability for unpaid instalments.
24. Private property of stockholders, exempt so long as corporation property can be levied upon.
25. Defendant may point out corporate property, subject to levy.
26. Private property being taken, owner may maintain an action against corporation for damages.
27. Sinking fund may be created for certain purposes,
28. Sale of franchises under execution.
29. Books of corporation to be produced in suits against stockholders.
30. A single individual may entitle himself to advantages of incorporation.
31. Persons acting as an incorporation under this act, presumed to be legal until declared otherwise.
32. Want of a legal organization to be no defense to actions.
33. Corporations heretofore in force, how entitled to advantages of this act.
34. Mutual Insurance Companies premium notes a lien upon property insured.
35. Companies heretofore organized not affected by this act.

CHAPTER II.—OF CORPORATIONS OTHER THAN THOSE OF PECUNIARY PROFIT.

SECTION 1. Provisions of Chapter 1, extended to incorporation of seminaries, churches, societies, &c., so far as applicable.
2. Newspaper publication of articles not requisite.
3. No dividend to be made until dissolution of corporation.
4. Corporations of an academical character invested with power of conferring degrees.
5. Banking powers prohibited under this act.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

OF CORPORATIONS FOR PECUNIARY PROFIT.

Creations of bodies corporate

SECTION 1. Any number of persons may associate themselves and become incorporated for the transaction of any lawful business, including the establishment of Ferries, the

construction of Canals, Railways, Telegraphs, Bridges or other works of internal improvement; but such incorporation confers no power or privilege not possessed by natural persons, except as hereinafter provided.

Powers of bodies corporate

SEC. 2. Among the powers of such body corporate are the following:

First—To have perpetual succession.

Second—To sue and be sued by its corporate name.

Third—To have a common seal which it may alter at pleasure.

Fourth—To render the interest of the stockholders transferrable.

Fifth—To exempt the private property of its members from liability for corporate debts, except as herein otherwise declared.

Sixth—To establish by-laws and make all rules and regulations deemed expedient for the management of their affairs, in accordance with law and not incompatible with an honest purpose.

Articles of incorporation to be recorded

SEC. 3. Previous to commencing any business except that of their own organization, they must adopt articles of incorporation, which must be recorded in the office of the Register of Deeds of the county where the principal place of business is to be, in a book kept therefor.

Record by secretary of state—limit of indebtedness

SEC. 4. Corporations for the construction of any work of internal improvement, must in addtion also file a copy of such articles in the office of the Secretary of State, and have the same recorded by him in a book kept for such purposes. Such articles of incorporation must fix the highest amount of indebtedness or liability to which the corporation is at any one time to be subject, which must in no case, except in that of the risks of insurance companies, exceed two-thirds of its capital stock.

Public notice in newspaper

SEC. 5. A notice must also be published for four weeks in succession in some newspaper as convenient as practicable to the principal place of business.

Contents of notice

SEC. 6. Such notice must contain:

First—The name of the corporation and its principal place of transacting business.

Second—The general nature of the business to be transacted.

Third—The amount of capital and stock authorized, and the times and condition on which it is to be paid in.

Fourth—The time of the commencement and termination of the corporation.

Fifth—By what officers or persons the affairs of the company are to be conducted, and the times at which they will be elected.

Sixth—The highest amount of indebtedness or liability to which the corporation is at any time to subject itself.

Seventh—Whether private property is to be exempt from the corporate debts.

Commencing business

SEC. 7. The corporation may commence business as soon as the articles are filed in the office of the Register of Deeds, and their doings shall be valid if the publication in a newspaper is made, and the copy filed in the office of the Secretary of State, when such filing is necessary, within three months from such filing in the Register's office.

Changes in articles of incorporation

SEC. 8. No change in any of the above matters shall be valid unless recorded and published as the original articles are required to be.

Duration of corporations

SEC. 9. Corporations for the construction of any work of internal improvement may be formed to endure fifty years; those formed for other purposes cannot exceed twenty years in duration; but in either case they may be renewed from time to time, for periods not greater, respectively, than was at first permissable; *Provided*, Three-fourths of the votes cast at any regular election for the purpose, be in favor of such renewals; *And Provided, also*, That those thus wishing a renewal will purchase the stock of those opposed to the renewal at its fair current value.

Dissolution of corporation

SEC. 10. The corporation cannot be dissolved prior to the period fixed upon in the articles of incorporation, except by unanimous consent, unless a different rule has been adopted in their articles.

SEC. 11. The same period of newspaper publication must precede any such premature dissolution of a corporation, as is required at its creation.

Public inspection of by-laws

SEC. 12. A copy of the by-laws of the corporation with the names of all its officers appended thereto, must be posted in the principal place of business and be subject to public inspections.

Statement of capital stock &c to be posted

SEC. 13. A statement of the amount of the capital stock subscribed, the amount of capital actually paid in, and the amount of indebtedness of the company in a general way, must also be kept posted up in like manner, which statement must be corrected as often as any material change takes place in relation to any part of the subject matter of such statement.

Intentional fraud —penalty

SEC. 14. Intentional fraud in failing to comply substantially with the articles of incorporation, or in deceiving the public or individuals in relation to their means or liabilities, shall subject those guilty thereof to fine or imprisonment, or both, at the discretion of the Court. Any person who has sustained injury from such fraud may also recover damages therefor againt those guilty of participating in such fraud.

Diversion of funds to be deemed fraud

SEC. 15. The diversion of the funds of the corporation to other objects than those mentioned in their articles and the notices published as aforesaid, (*provided*, any person be thereby injured), and the payment of dividends which leave insufficient funds to meet the liabilities of the corporation, shall be deemed such frauds as will subject those therein concerned to the penalties of the preceding section; and such dividends,

or their equivalent in the hands of individual stockholders, shall be subject to said liabilities.

Dividends by insurance companies

SEC. 16. Dividends by insurance companies, made in good faith, before their knowledge of the happening of actual losses, are not intended to be punished by the provisions of the preceding section.

Individual liability of stockholder—when

SEC. 17. A failure to comply substantially with the foregoing requisitions in relation to organization and publicity, renders the individual property of all the stockholders liable for the corporate debts.

Forfeiture of chartered rights—how caused

SEC. 18. Either such failure or the practice of fraud in the manner hereinbefore mentioned shall cause a forfeiture of all the privileges hereby conferred, and the Courts may proceed to wind up the business of the corporation by an information in the manner prescribed by law.

False books or accounts a misdemeanor

SEC. 19. The intentional keeping of false books or accounts by any corporation, whereby any one is injured, is a misdemeanor on the part of those concerned therein, whose duty it was to see that the books and accounts were correctly kept.

Transfer of shares when valid

SEC. 20. The transfer of shares is not valid, except as between the parties thereto, until it is regularly entered on the books of the company, so far as to show the name of the persons by and to whom tranferred, the numbers or other designation of the shares, and the date of the transfer; but such transfer shall not in any way exempt the person or persons making such transfer from any liability or liabilities of said corporation which were created prior to such transfer. The books of the company must be so kept as to show intelligibly the original stockholders, their respective interests, the amount which has been paid in on their shares, and all transfers thereof; and such books, or a correct copy thereof, so far as the items mentioned in this section are concerned, shall be subject to the inspection of any person desiring the same.

Non use of franchises—when dissolved by

SEC. 21. A corporation organized or attempted to be organized in accordance with the provisions of this chapter, shall cease to exist by the non-user of its franchises for two years at any one time; but such body shall not forfeit its franchises by reason of its omission to elect officers or to hold meetings at any time prescribed by the laws: *Provided*, such act be done within two years of the time appointed therefor.

Closing up business of corporations

SEC. 22. Corporations whose charters expire by their own limitation, or by the voluntary act of the stockholders, may nevertheless continue to act for the purpose of winding up their concerns, but for no other purpose.

Individual liability for unpaid instalments

SEC. 23. Nothing herein contained exempts the stockholders of any corporation from individual liability to the amount of the unpaid instalments on the stock owned by them, or transferred by them for the purpose of defrauding creditors; and an execution against the company may to that extent be levied upon such private property of any individual.

Private property of stockholders—when exempt

SEC. 24. In none of the cases contemplated in this chapter can the private property of the stockholders be levied upon for the payment of corporate debts while corporate property can be found with which to satisfy the same; but it will be sufficient proof that no property can be found, if an execution has issued on a judgment against the corporation, and a demand thereon made of some one of the last acting officers of the body for property on which to levy, and if he neglects to point out any such property.

Defendant may point out corporate property subject to levy

SEC. 25. The defendant in any stage of a cause may point out corporate property subject to levy, and upon his satisfying the Court of the existence of such property, by affidavit or otherwise, the cause may be continued, or execution against the defendant stayed, until the property can be levied upon and sold; and the Court may subsequently render judgment and order execution for any balance which there may be after disposing of the corporate property according to the stage of the cause; but if a demand of property has been made as contemplated in the preceding section, the costs of such proceedings shall in any event be paid by the company, or by the defendant.

Private property taken—damages

SEC. 26. When the private property of a stockholder is taken for a corporate debt, he may maintain an action against the corporation for indemnity, and against any of the other stockholders for contribution.

Sinking fund may be created

SEC. 27. For the purpose of repairs, rebuilding or enlarging, or to meet contingencies, or for the purpose of a sinking fund, the corporation may establish a fund which they may loan, and in relation to which they may take the proper securities.

Sale of franchise under execution

SEC. 28. When the franchise of a corporation has been levied upon under an execution and sold, the corporation shall not have power to dissolve the corporation so as to destroy the franchise, and if they neglect to keep up an organization sufficient to enable the business to proceed, the purchaser thereupon becomes vested with all the powers of the corporation requisite therefor; and when it becomes impracticable for an individual so to conduct them, and in cases where doubts or difficulties, not herein provided for, arise, the purchaser may apply by petition to the District Court, which is hereby vested with authority to make any orders requisite for carrying into effect the intent of this chapter in this respect.

Books of corporation to be produced on demand

SEC. 29. In any proceedings by or against a corporation, or against a stockholder, to charge his private property, or the dividends received by him, the Court is invested with power to compel the officers to produce the books of the corporation on the motion of either party, upon a proper cause being shown for that purpose.

A single individual may be incorporated

SEC. 30. A single individual may entitle himself to all the advantages of this chapter, provided he complies sub-

stantially with all its requirements, omitting those which, from the nature of the case are inapplicable.

Acting as a corporation presumed to be legal

SEC. 31. Persons acting as a corporation under the provisions of this chapter, will be presumed to be legally incorporated, until the contrary is shown; and no such franchise shall be declared actually null or forfeited, except in a regular proceeding brought for that purpose.

Want of legal organization no defence against actions

SEC. 32. No body of men acting as a corporation under the provisions of this chapter, shall be permitted to set up the want of a legal organization as a defense to an action against them as a corporation, nor shall any person sued on a contract made with such a corporation, or sued for an injury to its property, or a wrong done to its interests, be permitted to set up a want of such legal organization in his defense.

Corporations heretofore in force

SEC. 33. Corporations regularly organized under the general law heretofore in force, by adapting their articles of association to the provisions of this chapter, and by making the required publication of the change, as well as of their intention to act under the foregoing provisions, will be entitled to all the advantages and subjected to all the liabilities above provided for, but the change in their articles of association must be made in accordance with those articles, or by the unanimous consent of the stockholders.

Insurance notes liens upon property insured

SEC. 34. Mutual Insurance Companies, organized under the provisions of this chapter, may render their premium notes a lien upon the whole or any part of the real estate upon which the property insured is situate, whether such real estate is or is not exempt from other liabilities as a homestead; but such lien will not attach until the premium note stating the property on which it is a lien is filed for record and treated in the same manner as though it where a mortgage from the maker thereof to the company, except that it need not be acknowledged.

SEC. 35. Nothing herein contained is intended to affect the interests of companies already organized, further than is above expressed.

CHAPTER II.

OF CORPORATIONS OTHER THAN THOSE OF PECUNIARY PROFIT.

Incorporation of seminaries &c

SECTION 1. Corporations for the establishment of seminaries of learning, churches, lyceums, libraries, agricultural societies and for other lawful purposes unconnected with motives of pecuniary profit, may be formed in the manner directed in the preceding chapter, so far as applicable, and the provisions of that chapter are extended to them except as herein modified.

Publication of articles not requisite

SEC. 2. Their articles of incorporation shall be recorded, but a newspaper publication is not requisite.

SEC. 3. No dividend or distribution of property among the stockholders shall be made until the dissolution of the corporation.

SEC. 4 Corporations of an academical character are invested with authority to confer the degrees usually conferred by such institutions. Banking powers prohibited

SEC. 5. Nothing in this Act shall be construed as granting banking powers.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary.

CHAPTER LVI.

An Act for the preservation of the Muskets, Accoutrements and all other property belonging to the State, in and around the Capitol, not otherwise provided for by law.

SECTION 1. Governor authorized to take charge of the muskets, accoutrements, &c., belonging to State, have control of State Capitol.
2. Governo: authorized to commute the muskets, &c., for other military property.
3. Authorizes the appointment of a person to attend to the preservation of military property and the State Capitol.
4. This act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Governor is hereby authorised and empowered to take charge and have control of all the muskets, accoutrements and other military property belonging to, or which may hereafter belong to the State, by purchase or otherwise, and also to have control and supervision of the State Capitol, and all the public property belonging to the State, not otherwise provided for by law. Military property to be preserved

SEC. 2. The Governor is hereby authorized to commute the muskets and accoutrements, or a part of them, for other military equipments, as in his discretion he shall deem proper, for the best interest of the State.

Appointment of person to take care of capitol &c

SEC. 3. In order to enable the Governor more effectually to execute the provisions of this Act, it is hereby made the duty of the Governor to appoint some suitable person to attend to the preservation, cleaning and repairing the Capitol, muskets, accoutrements and all other property belonging to the State, in and around the Capitol. Such person to be appointed by the Governor, shall receive an annual salary of ($600) six hundred dollars, to be paid quarterly, out of any money remaining in the treasury not otherwise appropriated by law.

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twentieth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LVII.

An Act to authorize the appointment of an Assistant Secretary of State and defining his duties.

SECTION 1. Authorizes appointment of Assistant Secretary of State.
2. Oath of office to be taken.
3. Term of office.
4. Salary per annum.

Be it enacted by the Legislature of the State of Minnesota:

Assistant secretary of state

SECTION 1. The Secretary of State is hereby authorized to appoint an Assistant Secretary of State, who during the absence or idability of the Secretary of State, shall execute all the duties pertaining to that office.

SEC. 2. The Assisstant Secretary of State before entering upon the discharge of his duties, shall take and subscribe the same oath of office as that prescribed for other State officers, which said oath, together with his appointment shall be filed in the office of the Secretary of State. Oath of office

SEC. 3. The office of Assistant Secretary of State shall be established for the term of one year.

SEC. 4. The salary of the Assistant Secretary of State shall be six hundred dollars per annum, payable in the same manner as the salaries of other State officers. Salary

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July fourteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 14, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LVIII.

An Act to authorize the sale of Grass upon School Lands.

SECTION 1. Grass upon School Lands to be sold, and proceeds to go into school fund.
2. Repeal of acts inconsistent or conflicting.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Chairman of the Board of Supervisors of each town shall be authorised to sell the grass growing upon any unsold school lands in this town, and shall pay the proceeds thereof into the County Treasury for the benefit of the school fund, and shall immediately report the amount so paid to the State Treasurer. Sale of grass upon school lands

SEC. 2. All acts or parts of acts conflicting with the provisions of this Act are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor, *ad interim.*

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LIX.

An Act providing for the Election and prescribing the Duties of Treasurer of State.

SECTION 1. State Treasurer to be elected every two years; salary.
2. Office to be at capital of State.
3. Bond of the present Treasurer, and oath of office.
4. Successors in office to give like bonds.
5. Additional security to be given, if required.
6. Duties of the Treasurer.
7. State orders to be received in payment of public dues; manner of redeeming.
8. State orders to bear interest after presentation if not paid; on public notice of funds in the Treasury, interest to cease.
9. Quarterly returns of redeemed warrants to be made to the State Auditor.
10. Annual report to be made to the Legislature.
11. Books of Treasurer subject to inspection of Legislature.
12. Prohibits purchase of State orders, or receiving fee or reward for transacting business connected with his office.
13. Treasurer failing to give bond, the Governor to appoint another.
14. Office hours for transaction of business.
15. Failure to call delinquent officers to account, Treasurer to be deemed accountable for losses.
16. Defalcation of Treasurer, liable to a criminal action and imprisonment.
17. Indebtedness to the State from insolvency of Treasurer or other parties, to be paid first of all other debts.
18. Seal of office to be procured.
19. Moneys to be received to be gold or silver, or bills of Minnesota banks.

Be it enacted by the Legislature of the State of Minnesota:

Treasurer—election every 2 years

SECTION 1. That the qualified voters of the State shall elect a Treasurer of State every two years, who shall continue in office until his successor is duly elected and qualified; and he shall receive an annual salary of one thousand dollars per annum payable quarterly.

Office to be at capital of state

SEC. 2. The Treasurer of State shall keep his office at the capital of the State; shall have charge of, and safely keep all public moneys which shall be paid into the treasury, and pay out the same as directed by law, and per-

form all such other duties as now are or shall hereafter be required of him by the laws of this State.

Bond and oath of office

SEC. 3. The present Treasurer shall at once give bond, with five or more securities to be approved by the Governor, in the sum of one hundred thousand dollars, payable to the State of Minnesota, and conditioned for the faithful discharge of his duties as Treasurer, and shall take and subscribe an oath, or affirmation, faithfully to discharge the duties of his office: which bond, and oath or affirmation, shall be deposited with the Secretary of State.

Successors to give bond

SEC. 4. The successors in office of the first Treasurer of State shall, before entering upon their duties, give bond and do every other act as provided for in the preceding section.

Additional security

SEC. 5. The Legislature may, at any time during the continuance in office of the Treasurer, require him to give such additional security as they shall deem necessary for the complete security of the State.

Duties of Treasurer

SEC. 6. The Treasurer shall keep an accurate account of the receipts and disbursements at the treasury, in books provided for that purpose at the expense of the State, in which he shall specify the names of persons from whom received, or to whom paid, on what account the same is received, or to whom paid, on what account the same is received or paid out, and the time of such receipt or payment.

State orders—redemption

SEC. 7. The Treasurer shall receive in payment of public dues the bills drawn by the Auditor of the State, in conformity with the laws of the State, or redeem the same, if there be money in the treasury appropriated for that purpose, and on redeeming such bill, or receiving the same in payment, he shall cause the person presenting such bill to endorse the same; and the Treasurer shall write on the face of such bill, "Redeemed," and shall enter in his book, in separate columns, the number of such bill, its date, amount, the name of the person to whom payable, the date of payment, and the amount of interest, if any, paid thereon.

Endorsement on orders when there are no funds for redemption—interest

SEC. 8. That when any bill shall be presented to the treasury for redemption, and there shall be no funds therein appropriated for that purpose, the Treasurer of State shall endorse thereon the date of its presentation, with his signature thereto, and whenever there shall be funds in the treasury for the redemption of bills so presented and endorsed, the Treasurer shall give notice of the fact in some newspaper published at the seat of government, and at the expiration of thirty days after the date of such notice, the interest on such bill shall cease.

Deposit of paid orders with the auditor

SEC. 9. The Treasurer shall, on the first Monday of March, June, September and November, annually, deposit in the office of the Auditor of State, all bills by him redeemed or received in payment at the treasury, and take the Auditor's receipt therefor.

SEC. 10. The Treasurer shall annually report to each

Annual report to legislature

branch of the Legislature on the third day of their session, and to the Governor whenever by him required, the state of the public accounts, and the funds, exhibiting the amount by him received, the amount paid out during the preceding year, and the balance remaining in the treasury.

Books subject to inspection

SEC. 11. The Treasurer shall, as often as required, submit his books, accounts, vouchers, and the funds in the treasury, to the inspection of the Legislature or any committee thereof appointed for that purpose.

Prohibition to treasurer

SEC. 12. The Treasurer shall in no case purchase or receive any bill redeemable at the treasury, or any audited account, at a less value than is expressed therein, nor shall he receive any fee or reward for transacting any business connected with the duties of his office.

Failure to give bond, governor to appoint

SEC. 13. If the person elected Treasurer shall fail to give bond and security as provided in this Act, the Governor shall appoint some person in his place, who shall give bond and security, as before provided in this Act, and said person so appointed shall hold his office until the next meeting of the Legislature, or until his successor is duly elected and qualified.

Office hours

SEC. 14. The Treasurer shall attend at his office between the hours of nine and twelve, and between two and five o'clock, every day in the year, (Sundays, the Fourth of July, Thanksgiving Day and Christmas excepted), and the 22d of February, also the first of January.

Delinquent officers, treasurer to call to account

SEC. 15. If, in any instance, the Treasurer shall neglect to call to account, as directed by law, any delinquents, whereby the public revenue may suffer loss, he shall be held and deemed accountable for the sums due by such delinquents, to all intents and purposes, as if the same had actually been paid into his office.

Defalcation of treasurer-penalty

SEC. 16. If at any time it shall appear from the accounts of the Treasurer the Auditor, or in any other way, that the Treasurer has not accounted for and paid over the public moneys of the State as directed by law, the State may move for and obtain judgment against the Treasurer and his sureties, in any Court of record, first giving to the persons against whom such motion shall be made, five days notice of the time and place, when and where such motion will be made, and said Treasurer shall be liable to a criminal action, and upon conviction shall be punished by imprisonment at hard labor for a term not less than five nor more than twenty years.

Insolvency of parties indebted to state

SEC. 17. If any Treasurer, or other person indebted to the State, shall become insolvent, the debt of the State shall be paid first of all debts, notwithstanding any attachment against his effects, or any voluntary assignment thereof to pay debts, or for other purposes.

SEC. 18. The Treasurer shall procure a seal of office with such devices thereon as the Treasurer and Governor deem most suitable.

SEC. 19. All moneys that may be due the Treasury, and which shall be paid to the Treasurer on that account, shall be either gold or silver, or current bank notes of the Banks of the State of Minnesota. Gold and silver coin to be paid into treasury

SEC. 4. This Act shall take effect immediatly after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LX.

An Act to amend Section 115 *of Chapter LXXI Revised Statutes.*

SECTION 1. Amendment providing for the redemption of property from prior redemptioners, and procedure thereon.
2. Repeal of acts inconsistent.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 115, Chapter LXXI, Revised Statutes, be amended so as to read as follows: Amendment to revised Statutes, sec. 115, chap. 71

SEC. 115. If the property be redeemed by redemptioner, either the judgment debtor or another redemptioner may, at any time within one year after the sale of the said property, again redeem it from the last redemptioner, on paying the sum paid on his redemption, with interest, and, unless his lien be prior to that of the preceding redemptioner, the amount of such lien with interest. But if any redemptioner other than the judgment debtor redeem within the year after the sale thereof, the judgment debtor shall have thirty days after the expiration of the said year wherein to redeem. Redemption of property by creditors on judgment debtor

If no redemption is made in one year after the sale, the purchaser is entitled to a conveyance; or if so redeemed whenever thirty days have elapsed after the year from the sale, and no redemption has been made and notified therein, the time for redemption has expired, and the last redemptioner is entitled to a Sheriff's deed. If the debtor or owner redeem at any time before the time for redemption shall expire, the sale is terminated and he is restored to his estate.

SEC. 2. All acts or parts of acts inconsistent with this Act, are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June the eighteenth one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 18, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN Secretary of State.

CHAPTER LXI.

An Act to regulate the foreclosure of Real Estate.

SECTION 1. Mortgage property after sale subject to redemption by creditors of mortgagor, and re-redemption by mortgagor.
2. Judgment debtor or mortgagor entitled to possession of property by payment of interest on amount of purchase by foreclosure.
3. Purchaser or mortgagor may obtain injunction to stay waste.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Creditors of mortgagor may redeem property sold by foreclosure

SECTION 1. That any real estate hereafter to be sold upon the execution, judgment, order or decree of any Court of this State, or upon the foreclosure by advertisement or otherwise of a mortgage, contract or liability, shall be held by the party purchasing the same subject to right of judgment debtor or mortgagor, or any one claiming through or under

him, or them to redeem the same at any time within one year (or such other time as may be prescribed by law) from the day of such sale, upon paying to the purchaser, mortgagee or judgment creditor, the sum or amount for which the same was sold or foreclosed, and interest thereon at the rate of twelve per cent. per annum. Other creditors of the original judgment debtor, or mortgagor, may at any time within one year after such sale, redeem such premises, upon the same terms as the judgment debtor or mortgagor by paying to the first or previous purchaser the amount of his bid and interest as aforesaid, and so on as often as one purchaser, mortgagee or creditor, shall purchase or redeem from another: *Provided*, That the original debtor, his heirs or assigns shall have the period of one year for the redemption upon each and every such sale, foreclosure, advance, or redemption after the same shall have been made, and notice thereof filed in the office of the Register of Deeds in the county where such real estate shall be situated.

Re-redemption by other creditors and by mortgagor

SEC. 2. Provided always that the judgment debtor, mortgagor, or any one claiming through or under him, shall be entitled to the possession, rents, use, and profits of any and all such premises or real estate, so sold, purchased or foreclosed upon condition that such debtor shall pay to the purchaser, the interest upon the amount of said sale, foreclosure or purchase at the rate of twelve per cent. per annum.

Possession to mortgagor by payment of interest on purchase money

SEC. 3. And further provided, that such judgment creditor, purchaser or mortgagee, may at any time, upon eight days notice, move the Court, or a Judge thereof, in vacation for an order or injunction to stay waste, and upon satisfactory proof that the mortgagor or party in possession is committing waste upon such premises, the Court may enjoin or restrain such debtor, mortgagor or party in possession from committing the same.

Injunction to stay waste

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-ninth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota,
July 29, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXII.

An Act regulating Estrays and Articles Adrift.

SECTION 1. Advertisement of estrays taken up, within five days thereafter.
2. Report to Justice of Peace; mode of appraisal.
3. Oath of taker-up of estray property.
4. Description of estray to be transmitted to Clerk of District Court by Justice.
5. Advertisement in newspaper; fee therefor.
6. Ownership of property unclaimed.
7. Time for claiming property; report to Justice if not claimed.
8. Public sale of unclaimed property; payment of charges to taker-up.
9. Sale of horses, mules or asses unclaimed; payment of charges.
10. Funds paid to county treasury to be designated Estray Fund.
11. Fees for taking up estrays.
12. Allowance for taking up property adrift.
13. Fees to be paid on making return to Justices of Peace.
14. Register of Estrays.
15. Compensation for keeping estray property, how determined.
16. Deduction for keeping of animals, if worked by taker-up.
17. Claiming of property before sale, or of money after sale.
18. Restrictions upon taking up estrays.
19. Prohibits estray property from being taken out of county for more t han three days until sold.
20. Fatted hogs, provision for killing after one month's notice.
21. Stock hogs, provision for purchasing at appraised value.
22. Reclaiming of property taken up while adrift.
23. Property to be surrendered on payment of reasonable compensation.
24. Summary proceeding for recovery of property wrongfully detained.
25. Filing of affidavit by claimant.
26. Duties of Justice on cases brought before him.
27. Rules governing action before Justice.
28. Provisions of this chapter prior to Section 23 inapplicable to subsequent sections.
29. Advertisement of property adrift, to be made within seven days.
30. Penalty for neglect to comply with provisions of this Act.
31. Act not to apply to logs or lumber afloat or ashore.
32. Repeal of acts contravening provisions of this Act.
33. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Public notice of estrays taken up.

SECTION 1. That any person who shall take up an estray horse, mule, ass, sheep, hog, cattle or goat, or any other article of value adrift, shall, within five days thereafter advertise the same in writing in three of the most public places in the township where such property is taken up, stating the time of taking up and giving a particular description of the property.

Report to justice of the peace—appraisal

SEC. 2. If within fifteen days after taking up, the owner shall not have claimed such estray property, the taker-up shall report the same to some Justice of the Peace in the township, who shall issue his warrant to three house-holders of the neighborhood not of kin to the taker-up (unless they cannot otherwise be procured), directing any two of them to appraise such property,—whose duty it shall be to appraise the same and make report to such Justice, clearly describing the

property and the valuation thereof, and shall, under oath, declare that said appraisement and description were made without partiality, favor or affection. Oath of taker up

SEC. 3. The taker-up shall, at the time of making such report, make oath before such Justice that the marks, brands or appearance of such property have not been altered by him, nor by any other person to his knowledge, since the same became astray or adrift, other than may in his written report have been stated. Description of property to be transmitted to clerk of district

SEC. 4. Any Justice to whom estray property may have been reported shall, within ten days, transmit to the Clerk of the District Court a copy of the description and valuation thereof, with the fees as hereinafter provided, and said Clerk shall enter such description and appraisement in a book to be kept for that purpose.

SEC. 5. Estray property exceeding in value ten dollars, and property adrift exceeding in value ten dollars, shall be advertised in some newspaper of the county, if there be one: if not, in the paper in the State nearest thereto; and the Clerk shall forward to the printer a copy of the registry thereof, marked outside "Estray papers," together with a fee of one dollar and fifty cents, out of which the printer shall pay the postage. Advertisement in newspaper, if exceeding ten dollars in value.

SEC. 6. In all cases in which the provisions of this Act shall have been complied with, property adrift not exceeding in value twelve dollars, unclaimed or unproven by the owner within ninety days after taking up, and other estray not exceeding in value ten dollars, and unclaimed or unproven by the owner within one year after taking up, shall vest in the taker-up. Property adrift, unclaimed—ownership.

SEC. 7. Property taken up adrift, the appraised value of which exceeds twelve dollars, not claimed and proven within ninety days after taking up, or animals astray other than horses, mules and asses, the appraised value of which exceeds ten dollars, not claimed and proven within six months after taken up, shall be reported by the taker-up to some Justice of the Peace of the township within five days after the expiration of the time specified. Time for redemption—if unclaimed, notice to Justice.

SEC. 8. Such Justice shall issue his warrant to some constable to sell the same at auction, giving ten days' notice in writing of the time and place of sale, describing the property to be sold; and such constable shall, within five days after such sale, return such order and the proceedings of sale to said Justice, retaining one dollar for his services therein; and said Justice shall immediately pay over to the County Treasurer the proceeds of sale, after deducting the proper amount to be paid to the taker-up, as aforesaid in this Act, and seventy-five cents for his fees, and shall take from the Treasurer a duplicate receipt, which he shall file in the office of the Clerk of the District Court. Sale at public auction—disposition of proceeds.

SEC. 9. Any horse, mule or ass taken up under the pro-

visions of this Act, the appraised value of which exceeds twenty dollars, and which shall remain unclaimed or unproven at the expiration of one year from the time of taking up, shall be by the taker-up delivered to any constable of the town, to be sold by him at the most public place in the town; and after retaining one dollar for his services and paying to the taker up his charges as provided in this Act, said constable shall pay the proceeds of such sale to the Treasurer of the county within five days thereafter, taking from the Treasurer a duplicate receipt, and file it in the Clerk's office.

Payments to County Treasurer.

SEC. 10. All sums paid to the county treasurer under the provisions of this Act, shall be by him entered to the credit of the county, under the head of estray fund.

Fees for taker up.

SEC. 11. The taker up shall be entitled for taking up each horse, mule or ass, one dollar; each head of neat cattle, fifty cents; each sheep, goat or hog, above six months old, twenty-five cents; but when the owner reclaims or proves his property before the same is posted, the taker up shall only be allowed half the above reward.

Property adrift—compensation for taking up, how decided

SEC. 12. The taker up of property adrift shall be allowed a reasonable sum to be determined by some Justice of the Peace of the township, but either the claimant or the taker up thereof may, if they choose, have a jury to determine what amount shall be just and reasonable for taking up and taking care of such property; the Justice, constable and jury shall be allowed the same fees as in other cases.

Fees to be paid on reporting to justice

SEC. 13. The taker up of property exceeding three dollars in value, shall pay to the Justice at the time of reporting, fifty cents for the Justice, fifty cents for the clerk, and one dollar and fifty cents for the printer, where printing is required, but if under three dollars, the Justice shall make no return to the clerk, and his fees shall be fifty cents only.

Register of estrays

SEC. 14. The clerk shall keep a register of estrays; where several estrays or articles adrift are taken up by one person, there shall be only one entry and one advertisement, one fee of the clerk and one of the Justice.

Compensation for keeping estrayed property

SEC. 15. Upon property sold or reclaimed, the taker up shall be allowed such compensation for keeping such property as shall be by the Justice, before whom the proper proceedings are held, deemed just and reasonable; and such taker up shall keep account of the time an estray animal is kept by him, and make oath to the same.

Deduction for work performed

SEC. 16. If any animal is taken up under the provisions of this Act, and worked by the taker up, a reasonable compensation shall be allowed for the services of said animal, to be deducted from the keeping; the taker up if required, shall verify under oath the time he has worked the said animal.

Claim of property before sale, or funds after sale

SEC. 17. At any time before the sale, the owner may have his property, by proving the same before the Justice of the township where taken up, and paying charges. And

at any time within two years after sale, but not later, he may reclaim the money paid into the treasury, by proper proof before the county auditor.

Restrictions.

SEC. 18. No person shall take up any horse or stock except at his place of residence, or drive the same out of the woods or common and take them up, nor shall any animal be taken up between the first day of April and the first day of November, unless the same be found in the enclosure of the taker up. *Provided, however*, That when any animal may be in the act of escaping from the owner it may be taken up at any time wherever found.

SEC. 19. The taker up, until he becomes owner, shall not take or suffer to be taken out of the county, any property taken up for more than three days at any one time.

Fatted hogs, provision for killing

SEC. 20. Fatted hogs taken up may, at the option of the taker up, be killed one month after posting; but in case the taker up shall forthwith, after killing the same, pay the appraised value, deducting costs and charges, (to be liquidated as in other cases) to the county treasurer for the use of the owner.

Stock hogs, provision for purchasing at appraised value

SEC. 21. Stock hogs taken up may, at the option of the taker up, be by him paid for six months after posting, at their appraised value, deducting costs and reward for taking up, but no allowance for keeping the same.

Reclaiming of property adrift

SEC. 22. Whenever upon any navigable waters within or bodering on the State, the cargo of which may have been shipped as freight or the baggage of passengers or part thereof, of any vessels may be cast adrift, afloat or ashore by any wreck, accident or mischance of such vessel, such cargo, or part thereof, as may have been taken up and secured by any person, may be reclaimed by the captain, clerk or officers navigating such vessels, the supercargo, owner, or agent of the owner of such cargo or baggage who may be the claimant thereof.

Compensation for taking up and surrender.

SEC. 23. Such property shall be surrendered to such claimant, upon proof or circumstances satisfactory to the taker up of the property of the right of such claimant, having a general or special property, agency or control therein, upon the payment by such claimant of reasonable compensation for securing, or expenses in the taking and preserving such property.

Summary proceeding for recovery

SEC. 24. Should such person, or the person having possession of the property, refuse to restore to the claimant, or claim unreasonable compensation for the services and expenses in its taking up and preservation, the claimant may have a summary proceeding before any disinterested Justice of the Peace for the recovery of such property.

Affidavits to be filed

SEC. 25. The claimant must file before the Justice, an affidavit of the facts attending the wreck or accident, enumerating as nearly as possible the articles or packages withheld his right to receive the same, and thereupon the Justice

shall summon the person taking up, or in possession of such property, to appear before him at a place and at the earliest practicable period not more than three days, to be designated in the writ.

Duties of justice

SEC. 26. Such Justice shall hear and determine the matters in controversy in the most speedy manner practicable, as other proceedings are had before him, and may fix the amount of compensation to be paid by such claimant, and award a writ or writs for the delivery of the same forthwith to such claimant upon the payment of such compensation.

SEC. 27. Such trial shall be governed by the usual rules of procedure before Justices, except as to continuances, and appeals may be taken by either party upon the same terms and under the same regulations as appeals in other cases are taken.

Provision as to sections prior to the 23d

SEC. 28. The provisions of the sections of this chapter, prior to section twenty-three, relative to articles adrift, shall not apply to the cases contemplated in said section twenty-three.

Advertisement of property taken adrift

SEC. 29. If any of the property referred to in section twenty-three be not claimed within seven days after the same has been taken up, then the taker up of such property shall advertise the same as required in other cases of articles adrift.

Wilful neglect to comply with provisions of this act

SEC. 30. That any person or persons taking up any property and wilfully neglecting to comply with the provisions of this Act, shall forfeit and pay to the injured party not less than two-thirds of the actual value of said property so taken up and detained.

Act not to apply to logs and lumber afloat

SEC. 31. That this Act shall not be so construed as to apply to logs or lumber floating upon any of the waters of this State, or lying on or between the banks of any river of this State.

Repeal of previous acts

SEC. 32. All acts and parts of acts coming within the provisions of this Act, are hereby repealed.

SEC. 33. This Act to take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota,
August 7, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXIII.

An Act to require Clerks of District Courts, Judges of District Courts and District Attorneys to file copies of their official bonds and oaths in the office of the Clerk of the Supreme Court.

SECTION 1. Oaths and Bonds of Judges and Clerks of District Court to be filed with Clerk of Supreme Court.
2. Duties of Clerk of Supreme Court, with reference thereto.
3. Certificate of Clerk of Supreme Court *prima facie* evidence of their official character.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Oath of office and boards of judges and clerks of district courts to filed with clerk of supreme court.

SECTION 1. The several Judges of the District Courts, Clerks of the District Courts and District Attorneys, are hereby required to file or cause to be filed in the office of the Clerk of the Supreme Court, certified copies of their official oaths or bonds, or both, as the case may be.

Duty of supreme court clerk

SEC. 2. It is hereby made the duty of the Clerk of the Supreme Court to file the said oaths and bonds in his said office, free of all charges whatsoever, and it is further made the duty of the Clerk of the Supreme Court, in case of the failure of any of the officers herein enumerated so to do, to notify said officers of this requirement, and request compliance with the same.

SEC. 3. The certificate of the Clerk of the Supreme Court to the official acts of any of the said officers shall be taken as *prima facie* evidence of their official character, in any of the Courts of this State.

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXIV.

An Act to Provide for the Creation and Regulation of Emigrant Aid Societies.

SECTION 1. Incorporation of Associations to promote emigration.
2. Certificate and copy of Constitution and By-Laws to be filed with Secretary of State.
3. Object of the Institutions.
4. Authority to make By-Laws.
5. Annual election of officers.
6. Annual report from the Board of Directors.
7. Powers of the Board of Directors.
8. Expenditure of funds for printing and distributing pamphlets.
9. Duties of officers and members prescribed in By-Laws.
10. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Incorporation of emigration associations

SECTION 1. Any number of persons may associate themselves and become incorporated for the purpose of aiding to encourage, procure and protect emigration in and within the State of Minnesota, with power to make, hold and use a common seal, also to contract and be contracted with, to sue and be sued, plead and be impleaded, answer and be answered, in all Courts of competent jurisdiction, and shall have all other powers and privileges necessary to fulfil the objects of their incorporation.

Filing of certificate and by-laws

SEC. 2. Such persons forming an association under this Act, shall file in the office of the Secretary of State, and also in the Register of Deeds office of such county where such association may be formed, a certificate, in writing, signed by the Board of Directors of such association, expressing their intention to create and form such Emigration Aid Society, which certificate shall also comprise a copy of their Constitution and by-laws adopted by them.

Objects of corporations

SEC. 3. The object of such institution shall be to provide for the encouragement of emigration to the State of Minnesota, and to aid and protect emigrants on their arrival in and their passing through this State.

By-laws

SEC. 4. Such association shall make by-laws in accordance with their objects, provided that such by-laws be not in contravention of the laws of this State, or the laws and Constitution of the United States.

Election of officers

SEC. 5. At the annual meetings of such association, there shall be chosen a Board of Directors and such number of officers as their by-laws may provide, which officers and directors shall hold their respective offices for one year and until the regular annual meetings of the association, when their successors shall be chosen. The association shall, at their

first annual meeting, fix the time for holding their subsequent annual meetings.

Annual report of directors

SEC. 6. It shall be the duty of the Board of Directors to present to the association at every annual meeting, or at any time the by-laws that such institutions may provide, a full report of their proceedings, and give a faithful exhibit of the state of the institutions with regard to their financial and other interests.

Donations and subscriptions

SEC. 7. The Directors shall have power, and it shall be their duty to receive funds and donations of whatever source; they shall also have power, and it shall be their duty, to fix the rates of subscription of members, to appoint and employ all officers and agents requisite to promote the object of such institutions, and to remove any and all of them, as the interests of such institutions may require.

Printing and distribution of pamphlets

SEC. 8. The Directors shall be authorized to expend such amount of the funds under their control, as they may deem expedient, for the printing and distribution of pamphlets or other papers, for the instruction of emigrants, and for the aid and assistance of emigrants, whenever they may deem proper.

Specific duties

SEC. 9. The specific duties of the directors, officers and members of such associations, and also the mode how persons may become members of them, shall be prescribed by their by-laws.

SEC. 10. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXV.

An Act prescribing the general duties of Auditor of State.

SECTION 1. State Auditor to be elected every three years—Annual salary—Bond—Oath of office.
2. Location of office of Auditor.
3. Seal of the Auditor.
4. Accounts and claims against State to be presented to Auditor for adjustment.
5. Form and manner of issuing warrants.
6. Authority to issue warrants of ten dollars for sums exceeding twenty dollars.
7. Credit of the State pledged for the redemption of all warrants.
8. Record of State warrants issued.
9. Records of accounts, &c., to be kept.
10. Account with the Treasurer.
11. Annual report to the Legislature.
12. Exhibit of books on requisition of Legislature.
13. Township plats to be furnished by Boards of Supervisors.
14. Certified copies of plats to be furnished by Auditor on application.
15. Fees therefor.
16. Lists of lands subject to taxation by entry or sale at Land office, to be furnished annually to Register of Deeds.
17. General forms and instructions for assessing and collecting taxes to be made out.
18. Penalty for non-payment of taxes may be remitted—correct errors.
19. Annual statement of county taxes paid in to State Treasury to be transmitted to Registers.
20. Chief Clerk may be appointed.
21. Bond to be given.
22. Duties of Chief Clerk in absence of Auditor.
23. Contingent fund, expenses to be paid out of.
24. Duty of Auditor on failure of County Treasurer or other officers to make proper returns or settlement of taxes due State.
25. Authority to administer oaths to accountants, &c.
26. No claims to be paid by Treasurer until audited.
27. Salary of Chief Clerk and contingent expenses.
28. Penalty for violation of provisions of this act.

Be it enacted by the Legislature of the State of Minnesota:

Term of office—salary—bond

SECTION 1. That there shall be elected by the qualified voters of the State, every three years, one Auditor of State, who shall have an annual salary of one thousand dollars per annum, payable quarterly, and who, previous to entering on the duties of his office, shall enter into bond with one or more securities, to be approved by the Governor, in the sum of twenty thousand dollars, payable to the State of Minnesota, conditioned for the faithful discharge of his official duties; and he shall take and subscribe an oath or affirmation to faithfully discharge the duties of his office, which oath, together with his bond, shall be deposited in the office of Secretary of State.

Location of office

SEC. 2. The Auditor shall keep his office at the seat of government, and do and perform all the duties appertaining therto which are, or may be, required of him by law or resolution of the Legislature.

Seal of Auditor

SEC. 3. The Auditor shall keep a seal, with the device, "the seal of the Auditor for Minnesota," and all official copies taken from the Records, or other documents in his office, shall be under said seal, and shall be certified and signed by the Auditor.

Accounts and claims to be adjusted

SEC. 4. That all accounts and claims against the State, which shall be by law directed to be paid out of the treasury of the State, shall be presented to the Auditor, who shall examine and adjust the same, and shall issue bills or warrants, payable at the State Treasury, for the sums which shall be found due from the State, specifying in each bill the date of its issue, and the name of the person to whom payable.

Form and manner of issuing warrants

SEC. 5. That the bills or warrants to be so issued, shall be printed on separate sheets of paper, and each bill or warrant shall be entered and numbered, and the number corresponding therewith shall be on the part of the sheet from which such bill shall be cut; and all such parts of sheets containing the corresponding numbers, shall be carefully preserved by the Auditor in his office.

Division of claims into small warrants

SEC. 6. That when the amount due from the State to any person shall exceed twenty dollars, the Auditor, if requested, shall divide the sum due into parcels of not less than ten dollars each, and shall issue bills or warrants for the several parcels into which the amount shall be so divided.

State credit pledged for redemption

SEC. 7. That for the redemption of all bills and warrants, issued in conformity with the provisions of this Act, the credit of the State is hereby pledged.

Registry of warrants

SEC. 8. The Auditor shall enter, in progressive order, in a book or books to be by him provided for that purpose, the number of each bill or warrant by him issued, the amount thereof, the date of its issue, and the name of the person to whom issued.

Record of accounts, &c

SEC. 9. The Auditor shall make and preserve in his office in suitable books, to be procured at the expense of the State, fair and accurate records of all such public accounts and other documents as have been or may be by law made returnable to his office, and shall keep a file in progressive order of all receipts and other vouchers relative to the business of his office.

Account with treasurer to be kept

SEC. 10. The Auditor shall keep a regular account with the Treasurer of this State, in suitable books, to be provided as aforesaid, in which he shall charge the Treasurer with all moneys by him received, and credit him with all bills or warrants by him redeemed and deposited in the office of the Auditor.

SEC. 11. The Auditor shall annually make out an accurate

Annual statement to the legislature

statement of the receipts and disbursements of the treasury for the preceding year, ending on the last day of the month previous to the one during which the Legislature shall commence its annual sessions; also of the unexpended balances (if any there be) of the several appropriations, the amount remaining in the treasury, the amount of bills or warrants issued and not redeemed (if any there be) and shall report the same to each branch of the Legislature, on the third day of its session, together with such remarks on the finances of the State, as he shall deem proper for the consideration of the Legislature.

Exhibit of books on requirement of the legislature

SEC. 12. That whenever required, the Auditor shall submit his books, accounts and vouchers to the inspection of the Legislature, or any Committee thereof appointed for that purpose.

Supervisors to furnish plats of townships

SEC. 13. The Board of Supervisors of the several townships shall furnish the Auditor of State with copies of their several township plats, free of charge, together with such other information in relation to the original entry, purchase or grant as will enable him to know what lands are or may become subject to taxation.

Certified copies thereof

SEC. 14. The Auditor shall deliver to any person applying therefor, a certified copy of any survey, or any other document in his office, and all such copies certified by the Auditor, under the official seal, shall be received as legal evidence in all Courts and places within this State.

Fees for same

SEC. 15. That the person applying for such copy shall pay ten cents for each hundred words contained therein, and twenty-five cents for each plat of survey laid down in such copy.

Lands subject to taxation within the previous year

SEC. 16. That the Auditor of State shall transmit to the Register of Deeds of each county, on or before the first day of April in each year, a list of lands within such county, which shall have become subject to taxation within the preceding year, agreeable to the information by him received from the several land offices in the State.

Forms and instructions for assessing and collecting tax

SEC. 17. The Auditor of State shall from time to time prepare and transmit to the Register of Deeds, such general forms and instructions, in conformity with the laws in force, as in his opinion may be necessary to secure uniformity in assessing, charging, collecting and accounting for the public revenue; and assessors and treasurers shall observe such forms and instructions.

Remission of penalty for non-payment of taxes

SEC. 18. The Auditor of State is hereby authorized to remit any penalty for the non-payment of taxes, when satisfied that the same is improperly charged, or that such penalty occurred in consequence of the negligence or error of any officer required to do any duty relative to the levy and collection of such taxes; and may from time to time correct all errors which he shall discover in the duplicate of taxes assessed in any county.

SEC. 19. That the Auditor of State shall annually make out and transmit to the Register of Deeds of each county, on or before the first day of May, a statement of the taxes paid into the State Treasury during the preceding year, and belonging to such county; and the sums named in such statement may, at any time thereafter, be drawn from the treasury by the treasurers of the respective counties. County taxes paid into State treasury

SEC. 20. The Auditor of State may appoint a Chief Clerk, whose appointment shall be evidenced by a certificate thereof, under the official seal of the Auditor, and shall continue during the pleasure of the Auditor. Chief clerk, appointment

SEC. 21. That the Chief Clerk previous to entering upon the duties of his appointment, shall give bond, with two or more securities, in the penal sum of ten thousand dollars, payable to the State of Minnesota, and conditioned for the faithful performance of the duties of his office. Bond of clerk

SEC. 22. That in case of the absence or inability of the Auditor, the Chief Clerk shall do and perform the several duties required of the Auditor. Duties of clerk

SEC. 23. That the expense of procuring the books directed by this Act to be procured, and the copies of entries, surveys and other documents from the land offices, and all other contingent expenses of his office, shall be paid by the Auditor, out of the contingent fund appropriated for the use of said office. Expenses of office to be paid out of contingent fund

SEC. 24. That if any County Treasurer, or other officer concerned in the collection of the State revenue, shall fail to collect, fail to make proper return, fail to make settlement, or fail to pay over all moneys by him received and belonging to the State, at the time and in the manner required by law, the Auditor of State shall, at the expiration of fifteen days next, after the expiration of the time within in which such are by law required to be performed, transmit to the Register of Deeds of the proper county, a statement of the sum claimed by the State from such delinquent officer, with directions to such Register of Deeds to proceed against such delinquent officer, and his securities in the manner prescribed by law: *Provided*, That when the Auditor of State shall be satisfied that such default results from some inevitable accident, and not from the negligence of such officer, he may at his discretion postpone the instructions for bringing suit for any time not exceeding sixty days. Failure of county treasurer to report or pay a tax, duty of auditor

SEC. 25. The Auditor is authorized to administer an oath to accountants and witnesses, in support of the justice of such accounts as may be exhibited to him for liquidation, and to certify the same accordingly. Authorized to administer oaths

SEC. 26. No claim, draft or warrant from the Governor or any one else, except the certificates, for the services of members and officers of the Legislature, shall be paid by the Treasurer until such claim, draft or warrant shall have been entered in the Auditor's office. Claims to be audited before payment by treasurer

Salary of chief clerk—contingent expenses

SEC. 27. The salary of the Chief Clerk in the Auditor of State's office, shall be eight hundred dollars per annum, payable annually, and the sum of five hundred dollars is hereby appropriated annually for contingent expenses of said office, and the payment of extra clerk.

Violation of provisions of this chapter.

SEC. 28. Any Auditor of State or other officer, who shall violate any of the provisions of this Act, shall be liable, on conviction thereof before some competent Court, to be punished by imprisonment in the State Prison for a period of not less than one year, or more than ten years.

SEC. 29. This Act shall take effect immediately.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-third, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXVI.

An Act Regulating the Hours of Manual Labor.

SECTION 1. Hours of labor limited to ten hours daily for women and children in factories, workshops, &c.—Penalty.
2. Ten hours to be considered a day's work, where there is no express contract
3. Fines for violation of this Act, to go into school fund.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Ten hours a days work for women and children—penalty against employers for violation of this act

SECTION 1. That in all manufactories, work-shops, and other places used for mechanical or manufacturing purposes in the State of Minnesota, where children under the age of eighteen years and women are employed, the time of labor of the persons aforesaid, shall not exceed ten hours for each day, and any owner, stockholder, overseer, employer, clerk or foreman, who shall compel any woman or any child under eighteen years of age to labor in any day exceeding ten

hours, or shall permit any child under the age of fourteen, to labor in any factory, work-shop, or other place used for mechanical or manufacturing purposes, for more than ten hours in any one day, where such owner, stockholder, overseer, employer, clerk or foreman has control, such person so offending, shall be liable to a prosecution in the name of the State of Minnesota, before any Justice of the Peace, or Court of competent jurisdiction of the county wherein the same shall occur, and upon conviction thereof, be fined in any sum not less than ten or more than one hundred dollars.

Ten hours a days labor when there is no contract

SEC. 2. That in all engagements to labor in any mechanical or manufacturing business, a day's work, when the contract of labor is silent upon the subject, or when there is no express contract, shall consist of ten hours, and all agreements, contracts or engagements, in reference to such labor, shall be so construed.

SEC. 3. That whenever a fine shall be collected in accordance with the first Section of this Act, the same shall be paid over to the County Treasurer [of the county] wherein the trial may be had, and the same shall be by them disbursed for the benefit of common schools.

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second, one thousand eight hundred and fifty-eight. HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXVII.

An Act to Establish the Terms of the District Court of the State of Minnesota.

SECTION 1. General Terms of the District Court.
2. Certain Counties attached to others for judicial purposes.
3. In suits where the District Judge may be interested, other District Judge required to act, on request made.
4. Repeal of acts inconsistent.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The general Terms of the District Court shall be held at the times and places following:

In the first district

1. In the First Judicial District—

In the County of Washington, on the first Monday of April, and the first Monday of November in each year.

In the County of Chisago, on the fourth Monday of April and the second Monday of October in each year.

In the County of Anoka, on the fourth Monday of May in each year.

In the County of St. Louis, on the first Monday of August in each year.

In the second district

2. In the Second Judicial District—

In the County of Ramsey, on the first Monday of May and the second Monday of September in each year.

3. In the Third Judicial District—

In the County of Wabashaw, on the third Monday of April and the second Monday of October in each year.

In the third district

In the County of Olmsted, on the first Monday of May, and the third Monday of October in each year.

In the County of Houston, on the third Monday of May and the first Monday of November of each year.

In the County of Fillmore, on the first Monday of June and the second Monday of November in each year.

In the County of Winona, on the third Monday of June and the fourth Monday of November in each year.

In the fourth district

4. In the Fourth Judicial District—

In the County of Stearns, on the second Monday after the first Tuesday in March and September.

In the County of Wright, on the fourth Monday after the first Tuesday in March and September.

In the County of Meeker, on the fifth Monday after the first Tuesday in March and September.

In the County of Carver, on the sixth Monday after the first Tuesday in March and September.

In the County of Hennepin, on the eighth Monday after the first Tuesday in March, September and December.

In the County of Benton, on the thirteenth Monday after the first Tuesday in March and September.

In the County of Morrison, on the fifteenth Monday after the first Tuesday in March and September.

In the County of Crow Wing, on the sixteenth Monday after the first Tuesday in March and September.

In the fifth district

5. In the Fifth Judicial District—

In the County of Waseca, on the first Monday of April and the first Monday of September of each year.

In the County of Dodge, on the second Monday of April and the second Monday of September in each year.

In the County of Mower, on the third Monday of April and the third Monday of September in each year.

In the County of Freeborn, on the fourth Monday of April and the fourth Monday of September in each year.

In the County of Rice, on the first Monday of May and the first Monday of October in each year.

In the County of Goodhue, on the third Monday of May and the third Monday of October in each year.

In the County of Dakota, on the first Monday of June and the first Monday of November in each year.

In the County of Scott, on the third Monday of June and the third Monday of November in each year.

In the County of Steele, on the first Monday of July and the first Monday of December in each year.

6. In the Sixth Judicial District—

In the County of McLeod, on the fourth Monday of February in each year.

In the sixth district

In the County of Sibley on the first Monday of March and September in each year.

In the County of LeSueur, on the third Mondays of March and September in each year.

In the County of Nicollet, on the first Monday of June and the third Monday of November in each year.

In the County of Blue Earth, on the third Mondays of June and December in each year.

In the County of Faribault, on the first Monday of April in each year.

In the County of Brown, on the third Monday of April of each year, and the Judge of this District is hereby empowered to hold further terms of Court, in and for any other county attached to, and made a part of, this District, whenever in his discretion any such term may be expedient and may be required to promote the ends of public justice; but in such case, due notice of any such term shall be given by publication of the same in all the newspapers published in this District, at least once a week, for four successive weeks previous to the opening of any such term.

Buchanan, Kanabec and Pine counties attached to Chisago county for judicial purposes, Manomin

Monroe and Isanti, attached to St. Louis county

Todd county attached to Stearns county

Crow Wing, Mille Lac, Itasca, Pembina and Cass counties attached to Morrison

SEC. 2. For judicial and other purposes to enforce civil rights and criminal justice, the counties of Buchanan, Kanabec and Pine are hereby attached to and made part of the County of Chisago, and for that purpose all the officers necessary to effect the same, belonging to the County of Chisago, shall have and exercise full jurisdiction, power and authority over, and act in and for the counties of Buchanan, Kanabec and Pine, as fully as if they were part of the same; and for the like purposes, and to the same extent, the counties of Manomin Monroe, and Isanti are hereby attached to the County of St. Louis; and for the like purposes, and to the same extent, the County of Todd is hereby attached to the County of Stearns; and for like purposes, and to the same extent, the counties of Crow Wing, Mille Lac, Itasca, Pembina and Cass, are hereby attached to the County of Morrison; *Provided*, That the Act shall not interfere with

the legal exercise of authority of the officers of the counties attached.

In suits wherein the judge is interested, another judge to hear the cause.

SEC. 3. That whenever a Judge of the District Court shall be interested as counsel, or otherwise, in the event of any cause or matters pending before said Court, in any county of his District, it shall be the duty of the other District Judges, or one of them, when thereunto requested by said Judge so interested as aforesaid, to attend and hold the Court wherein such cause or matter is pending, for the trial of the same, and it shall be the duty of the Judge of any District to discharge the duties of the Judge of any other District not his own, when convenient or the public interest requires it.

SEC. 4. All acts and parts of acts inconsistent with this Act, are hereby repealed.

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 12, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXVIII.

An Act to prescribe the duties of Attorney General.

SECTION 1. Attorney General to take oath of office and give bond.
2. Certificate of oath and bond to be filed.
3. Required to appear for the State in cases before Supreme Court.
4. Required to appear for the State in any cause on request of Governor or Legislature.
5. Prosecution of parties for any offence on request of Governor.
6. Prosecution of official Bonds of delinquent officers.
7. Prosecutions of Assessors and other officers connected with revenue laws for delinquencies.
8. Prosecution of incorporated companies for breach of chartered rights.
9. Proceedings against incorporation where they may instituted.
10. Shall give legal advice when required to State officers named.

SECTION 11. Shall give written opinions upon any question of law on request of the Legislature.
12. Shall advise District Attorneys upon request as to their duties.
13. To prepare forms of contracts, obligations, &c., on request of State officers.
14. Serving writs, mileage and fees to Sheriffs.
15. Upon appeals taken on behalf of State no security to be required.
16. Office to be kept at Capital—Postage expenses to be audited by Auditor and paid out of State Treasury.
17. Official register to be kept.
18. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Oath of office and bond

SECTION 1. That each Attorney General elect, before entering upon the performance of his duties, shall take an oath or affirmation before the Supreme Court, or some Judge thereof, to support the Constitution of the United States, and the Constitution of the State of Minnesota, and faithfully to discharge the duties of his office, and shall also give a bond to the State in the sum of five thousand dollars, with two or more sureties, to be approved by the Governor, conditioned, that he will faithfully discharge his duties as aforesaid, and truly pay into the treasury of State, all public moneys which may come into his hands.

Certificate of oath and bond to be filed

SEC. 2. That a certificate of the oath or affirmation so taken shall be filed, together with the bond, in the office of the Secretary of State, and a record of the same shall be made and kept in the said Secretary's office.

To appear for state before supreme court

SEC. 3. The Attorney General shall appear for the State in the trial and argument of all causes in the Supreme Court, (whether of a civil equitable or criminal description) wherein the State may be directly interested.

Appearance for state before other courts

SEC. 4. That he shall, when required by the Governor or Legislature, appear for the State in any Court or tribunal, in any cause to which the State may be a party or in which the State may be directly interested.

Prosecution of parties for offenses

SEC. 5. That he shall, upon the written request of the Governor, prosecute any person who may be charged with any indictable offense whatever.

Prosecution of official bonds of delinquent officers

SEC. 6. He shall cause to be prosecuted the official bonds of all delinquent officers in which the State may be interested, when the same are directed to be put in suit.

Prosecution of assessors and tax collectors for delinquency

SEC. 7. He shall cause to be prosecuted all assessors and other officers connected with the revenue laws of this State, for all such delinquencies and offenses against those laws as may come to his knowledge. Said suits to be brought in the District Court of the county in which the defendant or any one or more of the defendants may reside or be found.

Prosecutions against incorporated companies for violation of charter

SEC. 8. That if it shall come to his knowledge that any incorporated company has offended against the laws of the State, misused its corporated authority or any of its franchises or privileges not conferred or surrendered, abandoned or forfeited its corporated authority or any off its franchises or privileges, he shall cause proceedings to be instituted against it.

Institution of proceedings

SEC. 9. Said prosecutions may be instituted in the Supreme Court of the State, or in the District Court of any county wherein such company may have a place of business, or such officer or officers, person or persons reside or may be found.

Legal advice to state officers

SEC. 10. That he shall, when required, give legal advice to the Governor, the Secretary of State, the Auditor of State, the Treasurer of State, Warden and Directors of the Penitentiary, and Superintendent and Directors of benevolent institutions and common shools, in all matters relating to their official business.

Written opinions to legislature

SEC. 11. He shall also give his written opinion upon any question of law, to either House of the Legislature, when required.

SEC. 12. He shall advise the District Attorneys of the State, when requested by them, in all matters appertaining to the duties of their offices.

To prepare forms of contracts &c

SEC. 13. He shall prepare suitable forms of contracts, obligations and other like instruments of writing for the use of the officers of the State, when requested by the Governor, Secretary, Auditor or Treasurer of State.

Service of writs—fees to sheriff

SEC. 14. That in all cases brought under the provisions of this Act, the writ or writs may be sent to the Sheriff of any county by mail, and returned by him in like manner, for which the Sheriff shall be allowed the same mileage and fees as if the writ or writs had issued out of the District Court of his own county and been returnable thereto.

Appeals—no security from state

SEC. 15. That upon all appeals taken or sued out by the Attorney General upon behalf of the State, or any of its officers, no security shall be required.

Office of Attorney General to be at capital

SEC. 16. That the Attorney General shall keep his office at the seat of government, to be provided and furnished at the State's expense, and the accounts for postage upon his official correspondence shall be audited and allowed by the Auditor of State, and paid out of any funds in the State Treasury not otherwise appropriated.

Official Register

SEC. 17. That he shall keep, in a book to be provided for that purpose, at the State's expense, a register of all actions, demands, complaints, writs, informations, and other suits prosecuted or defended by him officially, together with all the proceedings had in respect thereof, and also a register of all written official opinions given by him, which said book he shall deliver to his successor at the expiration of his term.

SEC. 18. This Act shall take effect on its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-eighth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 28, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXIX.

An Act regulating Limited Partnership.

SECTION 1. Limited Partnerships for Mercantile, Mechanical or Manufacturing purposes—Prohibition of banking privileges or insurance.
2. General and special partners, liability of.
3. General partners to transact the business.
4. Co-partnerships, certificate for, and what it shall contain.
5. Acknowledgment of certificate by the parties.
6. Certificate to be filed with Register of Deeds.
7. Affidavit of one or more of the partners to be filed with certificate.
8. Partnership void until foregoing provisions are complied with.
9. Term of partnership to be published—failure to publish, partnership to be general.
10. Affidavit of publication to be filed.
11. Renewal or continuance of partnership, certificate and affidavit to be filed as before.
12. Dissolution of partnership, caused by changes in name or capital.
13. Business of partnership—how conducted.
14. Suits to be brought against general partners only.
15. Capital stock not to be reduced during partnership—interest on stock.
16. If capital stock has been reduced by payment of interest, party receiving to make stock deficit good.
17. Rights of special partners.
18. Liability of general partners.
19. Fraud on the part of any partner, liable for civil damages, and to indictment for misdemeanor.
20. Sales or assignments made in a state of insolvency void as against creditors.
21. Sales or assignments by individual partners of their interest, when insolvent, void as against creditors of partnership.
22. Special partners violating partnership provisions, or consenting thereto, to be held liable as general partners.
23. In insolvency, claims of creditors to be satisfied before claims of special partners.
24. Dissolution of partnerships before specified time—public notice and filing of affidavit.
25. Act takes effect from April 1, 1858.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Limited partnership for the transaction of mercantile, mechanical, or manufacturing business within

Limited partnerships—no banking privileges

this State, may be formed by two or more persons upon the terms, with the rights and powers, and subject to the conditions and liabilities herein prescribed; but the provisions of this Act shall not be construed to authorize any such partnership for the purpose of banking or making insurance.

SEC. 2. Such partnership may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible, as general partners, now are by law; and if one or more persons who shall contribute in actual cash payments, a specific sum as capital to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership, beyond the fund so contributed by him or them to the capital.

General and special partners—liability of

SEC. 3. The general partners only shall be authorized to transact business and sign for the partnership, and to bind the same.

General partners to transact business

SEC. 4. The persons desirous of forming such partnership, shall make and severally sign a certificate, which shall contain:

First—The name or firm under which such partnership is to be conducted.

Second—The general nature of the business to be transacted.

Copartnership certificate to be filed

Third—The names of all the general and special partners interested therein, distinguishing which are general and which are special partners, and their respective places of residence.

Fourth—The amount of capital which each special partner shall have contributed to the common stock.

Fifth—The period at which the partnership is to commence, and the period at which it is to terminate.

SEC. 5. The certificate shall be acknowledged or proved, as to the several persons signing the same, before the same persons before whom a conveyance of lands may be now or hereafter acknowledged or proved, and such acknowledgement or proof shall be made and certified in the same manner as the acknowledgment or proof of the conveyance of lands may be made or certified.

Acknowledgment of certificate

SEC. 6. The certificate so acknowledged and certified shall be filed in the office of the Register of Deeds of the county in which the principal place of business of the partnership shall be situated, and shall also be recorded by him at large in a book to be kept for that purpose, open to public inspection. If the partnership shall have places of business situated in different counties, a transcript of the certificate and acknowledgment thereof, duly certified by the Register of Deeds in whose office it shall be filed under his official seal, shall be filed and recorded in like manner in the office of the Register of Deeds of every such county.

Filing of certificate

SEC. 7. At the time of filing the original certificate, with the evidence of the acknowledgment thereof, as before

directed, an affidavit of one or more of the general partners shall also be filed in the same office, stating the sums specified in the certificate to have been contributed by each of the special partners to the common stock, have been actually and in good faith paid in cash. Affidavit of one of the partners

SEC. 8. No such partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged, filed and recorded, nor until an affidavit shall have been filed as above directed; and if any false statement be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners. Partnerships void until foregoing provisions are complied with

SEC. 9. The partners shall publish the term of the partnership, when registered, for at least six weeks immediately after such registry, in a newspaper to be designated by the Register of Deeds of the county where such registry shall be made, published in the county in which such registry shall be made, if there is one published therein, and if there is none published in said county, then in a newspaper published at the capital of the State; and if such publication be not made, the partnership shall be deemed general. Publication of terms of partnership

SEC. 10. Affidavits of the publication of such notice, by the publishers, or their foreman of the newspaper in which the same shall be published, may be filed with the Register of Deeds directing the same, and shall be evidence of the facts therein contained. Affidavit of publication to be filed

SEC. 11. Every renewal or continuance of such partnership beyond the time originally fixed for its duration, shall be certified, acknowledged and recorded, and an affidavit of a general partner be made and filed, and notice given in the manner herein required for its original formation; and every such partnership which shall be [otherwise] renewed or continued, shall be deemed a general partnership. Renewal or continuance of term of partnership

SEC. 12. Every alteration which shall be made in the names of the parties, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership; and every such partnership which shall in any manner be carried on after any such alteration shall have been made, shall be deemed a general partnership unless renewed as a special partnership, according to the provisions of the last section. Dissolution of partnership how caused

SEC. 13. The business of the partnership shall be conducted under a firm in which the names of the general partners only shall be inserted, without the addition of the word "Company," or any other general term; and if the name of any special partner shall be used in such firm with his privity, he shall be deemed a general partner. Business how conducted

SEC. 14. Suits in relation to the business of the partnership shall be brought and conducted by and against the general partners, in the same manner as if there were no special partners. Suits how brought

Capital stock not to be reduced

SEC. 15. No part of the sum which any special partner shall have contributed to the capital stock shall be withdrawn by him or paid, or transferred to him in the shape of dividends, profits or otherwise, at any time during the continuance of the partnership; but any partner may annually receive lawful interest on the sum so contributed by him, if the payments of such interest shall not reduce the original amount of such capital; and if, after the payment of such interest, any profits shall remain to be divided, he may also receive his portion of such profits.

Deficit to be made good

SEC. 16. If it shall appear that by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest.

Special partners —rights of

SEC. 17. A special partner may from time to time examine into the state and progress of the partnership concerns, and may advise as to their management; but he shall not transact any business on account of the partnership, nor be employed for that purpose as Agent or Attorney, or otherwise. If he shall interfere contrary to these provisions, he shall be deemed a general partner.

General partners —liability of

SEC. 18. The general partners shall be liable to account to each other, and to the special partners for their management of the concern, both in law and equity, as other partners now are by law.

Frauds by partners—penalty

SEC. 19. Every partner who shall be guilty of any fraud in the affairs of the partnership, shall be liable, civilly, to the party injured, to the extent of his damage; and shall also be liable to an indictment for a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the Court by which he shall be tried.

Insolvency, sales or assignments—when void

SEC. 20. Every sale, assignment, or transfer of any of the property or effects of such partnership, made by such partnership when insolvent, or in contemplation of insolvency, or after, or in contemplation of the insolvency of any partner with the intent of giving a preference to any creditor of such partnership, or insolvent partner, over oth r creditors of such partnership; and every judgment confessed, lien created or security given by such partnership, under the like circumstances and with the like intent, shall be void as against the creditors of such partnership.

Individual partners—assignment of—when void

SEC. 21. Every such sale, assignment or transfer of any of the property or affects of a general or special partner, made by such special or general partner, when insolvent or in contemplation of insolvency, or after, or in contemplation of the insolvency of the partnership, with the intent of giving to any creditor of his own or of the partnership, a preference over creditors of the partnership; and every judgment confessed, lien created, or security given by such partner under the like circumstances and with the like

intent, shall be void as against the creditors of the partnership.

Special partners—how liable as general partners

SEC. 22. Every special partner who shall violate any provision of the two last preceding sections, or who shall concur in or assent to, any such violation of the parnership, or by any individual partner, shall be liable as a general partner.

Rights of creditors over special partners

SEC. 23. In case of the insolvency or bankruptcy of the partnership, no special partner shall, under any circumstances, be allowed to claim as a creditor, until the claims of all the other creditors of the partnership shall be satisfied.

Dissolution of partnerships before limitation

SEC. 24. No dissolution of such partnership by the act of the parties, shall take place previous to the time specified in the certificate of its formation, or in the certificate of its renewal, until a notice of such dissolution shall have been filed and recorded in the office of the Register of Deeds in which the original certificate was recorded, and published once in each week for four weeks, in a newspaper printed in each of the counties where the partnership may have places of business, and if there is no newspaper published in such county or counties, then by publishing the same as aforesaid in a newspaper published at the Capital of the State.

SEC. 25. This Act shall take effect and be in force on and after the 1st day of April, A. D. 1858.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-sixth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
February 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LXX.

An Act to provide for the Incorporation and Regulation of Railroad Companies.

SECTION 1. Formation of Railroad Companies; certificate to be filed; contents of certificate.
2. Corporate rights granted by this Act.
3. Right to construct Railroad and appurtenances.
4. Capital Stock; amount of shares.
5. Payment of instalments.
6. Forfeiture of payments and sale of stock on failure to pay instalments.
7. Provision for increase of Capital Stock.
8. Books of subscription when and where to be opened; election of Directors.
9. Right of entry upon lands for construction of road, &c.
10. Authority to change grades and locations; liable for damages to private property.
11. Occupation of streets, &c. for Railroad purposes; powers and duties of Town officers.
12. Rates of passage and of freight per mile of transportation.
13. Authority to borrow money and mortgage property of Company therefor.
14. Purchase or gift of land for right of way, depot grounds, &c.
15. Authority to cross public roads and divert streams of water.
16. Location of an office for transaction of business.
17. Requirements in crossing public roads; erection of bridges; fencing of roads.
18. Annual reports of the condition of Company to be made to State Auditor.
19. Authority to construct bridges over navigable streams under certain conditions.
20. Restrictions in running trains of cars; Conductor liable for violations of provisions.
21. Proceeding to effect consolidation of Railroads.
22. Articles of consolidation to be filed with Secretary of State.
23. Transfer of rights, immunities and privileges of each Company to the consolidated Company, upon the election of Directors.
24. Authority to aid in the construction of other Railroads, forming a connection of roads; lease or purchase of line of road authorized.
25. Act to take effect immediately.

Be it enacted by the Legislature of the State of Minnesota:

Railroad companies—formation of—certificate to be filed

SECTION. 1. That any number of persons not less than five associating for the purpose of constructing a railroad, shall subscribe a statement which shall specify as follows:

First—The name assumed by such company and by which it shall be known.

Second—The name and place of residence of each of the persons forming the association.

Third—The name of the place or places of the termini of said road, and the county or counties through which said road shall pass.

Fourth—The amount of capital necessary to construct said road. Such statement verified by the affidavit of two or more of the persons therein, shall be acknowledged before some one authorised to take the acknowledgment of deeds,

and certified by the Clerk of the District Court, and filed in the office of the Secretary of State, to be by him recorded in a book kept for that purpose, and the original, or copy thereof, duly certified by the Secretary of State, shall be evidence of the existence of such company.

Corporate rights granted by this act

SEC. 2. That when such certificate shall have been filed and recorded as aforesaid, the persons named as corporators therein are hereby authorized to carry into effect the objects named in said certificate in accordance with the provisions of this Act; and they and their associates, successors and assigns, by the name and style provided in said certificate, shall thereafter be deemed a body corporate, with succession, with power to sue and be sued, plead and be impleaded, defend and be defended, contract and be contracted with, acquire and convey, at pleasure, all such real and personal estate as may be necessary and convenient to carry into effect the objects of the incorporation, to make and use a common seal, and the same to alter at pleasure, and to do all acts necessary to carry into effect the object for which it was created; and such company shall possess all the powers and be subject to all rules, liabilities and restrictions provided by this Act. *Provided*, That any corporation or corporations formed and organized or consolidated under or by virtue of this Act, exercising or attempting to exercise any banking powers under any pretence whatever, or the business of broker or brokerage, shall forfeit their right of incorporation and consolidation under or by virtue of this Act.

Right to construct railroad and its appurtenances

SEC. 3. Any corporation formed in pursuance of this Act shall be and is hereby authorized to construct and maintain a railroad, with single or double track, with such side-tracks, turn-outs, offices and depots, as it may deem necessary, between the points named in the certificate, commencing at or within and extending to or into any town, city or village along the line of said road, or named as the place of the termini of such road, and construct branches from the main line to other towns or places within the limits of any county through which said road may pass.

Capital stock

SEC. 4. The capital stock of such company shall be divided into shares of fifty dollars each, and consist of such sum as may be named in the certificate; such shares shall be regarded as personal property, and shall be subject to execution at law.

Payment of instalments

SEC. 5. An installment of five dollars on each share of stock shall be payable at the time of making the subscription, and the residue thereof shall be paid in such instalments, and at such times and places, and to such person, as may be required by the directors of such companies.

SEC. 6. If any installment of stock shall remain unpaid for sixty days after the time it may be required, whether such stock is held by an assignee, transferee, or the original subscriber, the same may be collected by action of debt; or

Failure to pay—forfeiture of payments—stock to be sold

the directors may sell the stock so unpaid at public auction, for the installment then due thereon; first giving thirty days public notice of the time and place of sale, in some newspaper in general circulation in the county where such delinquent stockholder resided at the time of making such subscription, or becoming such assignee or transferee, or in the county of his actual residence at the time of making such assignment or transfer, or, if such stockholder reside out of the State, such publication shall be made in the county where the principal office of the company is located, and if any residue of money shall remain after paying the amount due on said stock, the same shall, on demand, be paid over to the owner; if the whole of said installment be not paid by such sale, the remainder shall be recoverable by an action of debt against the subscriber, assignee or transferee.

Increase of capital stock

SEC. 7. That whenever any railroad company, heretofore incorporated, or created and incorporated under the provisions of this Act, shall, in the opinion of the directors thereof, require an increased amount of capital stock, they shall, if authorized by the holders of a majority of the stock, file with the Secretary of State a certificate, setting forth the amount of such desired increase, and thereafter such company shall be entitled to have such increased capital as is fixed by said certificate.

Books of subscription when opened—election of directors

SEC. 8. That the persons named in said certificate of incorporation, or any three of them, shall be authorized to order books to be opened for receiving subscriptions to the capital stock of said company, at such time or times, and at such place or places as they may deem expedient, after having given at least thirty days notice in a newspaper published or generally circulated in one or more counties where books of subscription are to be opened, of the time and place of opening books; and so soon as ten per centum of the capital stock shall be subscribed, they may give like notice for the stockholders to meet at such time and place as they may designate, for the purpose of choosing seven directors, who shall continue in office until the time fixed for the annual election, and until their successors are chosen and qualified; at the time and place appointed, directors shall be chosen by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxies, each share shall entitle the owner to one vote, and a plurality of votes shall be necessary for a choice; but after the first election of directors, no person shall vote on any share on which any installment is due and unpaid. The persons named in such certificates, or such of them as may be present, shall be inspectors of election, and shall certify what persons are elected directors, and appoint the time and place for holding the first meeting. A majority of said directors shall form a board and be competent to fill vacancies in their board, make by-laws, and transact all business of the corporation. An annual election

shall be held for directors, at such time and place as the stockholders, at their first meeting, shall determine, or as the by-laws of the corporation may require; and the directors chosen at any election, shall, so soon thereafter as may be convenient, choose one of their number President, and shall appoint a Secretary and Treasurer of the corporation. The directors, before entering on their duties, shall each take an oath or affirmation, faithfully to discharge his duties, and they shall, from time to time make such dividends of the profits of said company, as they may think proper.

Right of entry upon lands

SEC. 9. Such corporation is authorized to enter upon any land, for the purpose of examining and surveying its railroad line, and may appropriate so much thereof as may be deemed necessary for its railroads, including necessary side tracks, depots, and work shops, and water stations, materials for construction, except timber, a right of way over adjacent lands, sufficient to enable such company to construct and repair its road, and a right to conduct water by aqueducts, and the right of making proper drains; but no appropriation of private property to the use of any corporation provided for in this Act, shall be made, until full compensation therefor be first made, in money, or first secured by deposit of money to the owner or owners, irrespective of any benefit from any improvement proposed by such corporation, or in such manner as is or may be prescribed by law.

Authority to change grades &c —liable for damages

SEC. 10. That whenever any railroad company heretofore incorporated, or which may hereafter be incorporated, shall find it necessary for the purpose of avoiding annoyance to public travel, or dangerous or difficult curves, or grades, or unsafe or unsubstantial grounds or foundations, or for other reasonable causes, to change the location or grade of any portions of their road, whether heretofore made or hereafter to be made, such railroad companies shall be, and are hereby authorized to make such changes of grade and location, not departing from the general route prescribed in the certificate of such company, and for the purpose of making any such change in the location and grade of any such road, as aforesaid, such company shall have all the rights, powers and privileges to enter upon and take and appropriate such lands and make surveys necessary to effect such change and grades, upon the same terms, and be subject to the same obligations, rules and regulations as are or shall be prescribed by law, and shall also be liable, in damages, when any have been caused by such change, to the owner or owners of the lands upon which said road was heretofore constructed, to be ascertained and paid or deposited, as aforesaid; but no damages shall be allowed unless claimed within thirty days after actual notice of such intended change shall be given to such owner or owners, if residing on the premises, or notice by publication in some newspaper in general circulation in the county, if non-resident.

Occupation of streets—duties of town officers

SEC. 11. If it shall be necessary, in the location of any part of any railroad, to occupy any road, street, alley or public way, or ground of any kind, or any part thereof, it shall be competent for the municipal or other corporation or public officer, or public authorities, owning or having charge thereof, and the railroad company to agree upon the manner and upon the terms and conditions upon which the same may be used or occupied; and if said parties shall be unable to agree thereon, and it shall be necessary in the judgment of the directors of such company, to use or occupy such road, street, alley, or other public way or ground, such company may appropriate so much of the same as may necessary for the purposes of said road, in the same manner and upon the same terms as is provided for the appropriation of the property of individuals, by the ninth section of this Act.

Rates of fare and freight

SEC. 12. Such corporation may demand and receive for the transportation of passengers on said road, not exceeding three cents per mile, and for the transportation of property, not exceeding five cents per ton per mile, when the same is transported a distance of thirty miles or more, and in case the same is transported for a less distance than thirty miles, such reasonable rate as may be from time to time fixed by said company or prescribed by law.

Authority to borrow money

SEC. 13. Such company shall have power to borrow money on the credit of the corporation, not exceeding its authorized capital stock, at a rate of interest not exceeding eight per cent. per annum, and may execute bonds or promisory notes therefor, in sums of not less than one hundred dollars, and to secure the payment thereof, may pledge the property and income of such company.

Land for right of way how acquired

SEC. 14. Such company may acquire, by purchase or gift, any lands in the vicinity of said road, or through which the same may pass, so far as may be deemed convenient or necessary by said company to secure the right of way, or such as may be granted to aid in the construction of such roads, and the same to hold or convey, in such manner as the directors may prescribe, and all deeds and conveyances made by such company, shall be signed by the President, under the seal of the corporation, and any existing railroad corporation may accept the provisions of this Act, and after such acceptance, all conflicting provisions of their respective charters shall be null and void.

Bridging streams and roads

SEC. 15. It shall be lawful for such corporation, whenever it may be necessary, in the construction of such road, to cross any road or stream of water, to divert the same from its present location or bed; but said corporation shall, without unnecessary delay, place such road or stream in such condition as not to impair its former usefulness

SEC. 16. Such corporation shall, as soon as convenient, after its organization, establish a principal office at some

point on the line of its road, and may change the same at pleasure, giving public notice in some newspaper of such establishment or change. Principal office of company

Sec. 17. Every company organized under this Act, shall be required to erect, at all points where their road shall cross any public road, at a sufficient elevation from such public road to admit of the free passage of vehicles of every kind, a sign with large and distinct letters placed thereon, to give notice of the proximity of the railroad, and warn persons of the necessity of looking out for the cars; and any company neglecting or refusing to erect such sign, shall be liable in damages for all injuries occurring to persons or property from such neglect or refusal; and each railroad company shall be required to fence its roads with a good, substantial fence, under such rules as the county Supervisors of the several counties through which the same may pass, shall prescribe. Bridge and road crossings—requirements

Sec. 18. That each and every railroad company incorporated under this Act, shall annually, in the month of January, make a full report of the condition of its affairs, to the Auditor of State, showing the amount of the capital stock of such company, the gross amount of tolls or receipts during the previous year, the cost of repairs and incidental expenses, the net amount of profits and the dividends made, with such other facts as may be necessary to a full statement of the affairs and condition of such road; and the Auditor of State shall annually present an abstract copy of such report to the Legislature. Annual reports to state auditor

Sec. 19. That whenever any railroad company now existing, or which may hereafter organize under this Act, shall deem it necessary to extend their line of road across any navigable waters of this State, it shall be lawful, and they are hereby granted full power, to construct such bridge or bridges as may be required for purposes of said road across such navigable waters, and to repair and maintain the same in such manner as may best subserve the interests of such company; *Provided*, That such bridge shall not be constructed in a manner to obstruct or impede, in any wise, the free navigation of said waters; *And provided*, That nothing herein contained shall be construed as violative of the laws of the United State in respect to the navigable waters therein. Bridges over navigable streams

Sec. 20. That every railroad company in this State, shall cause all its trains of cars for passengers to stop upon each arrival at a station advertised by such company as a station for receiving passengers upon such trains, at least one minute; and shall also cause all its trains of cars to entirely stop not more than sixty rods and not less than ten rods before each arrival at the crossing of any other railroad; and every company, and every person in the employment of such company, that shall violate, or cause or permit to be violated, the provisions of this section, shall be liable to a Restrictions in running trains—liability of conductor

forfeiture of not more than one hundred dollars, nor less than twenty dollars, to be recovered in an action of debt, before any Justice of the Peace of the county in which such violation shall occur, upon the complaint of any person, one half to go to the complainant and the remainder to the use of common schools in the county; and such company shall be further liable in the full amount of damages done to property or person in consequence of any neglect on the part of its agents or employees to comply with the requirements of this section; and in all cases in which a forfeiture shall occur under the provisions of this section, the company, whose agents shall cause or permit such violation, shall be liable for the amount of such forfeiture, and in all cases the conductor upon such train shall be held *prima facie* to have caused the violation of this section, which may occur upon the train in his charge.

CONSOLIDATION OF RAILROAD COMPANIES.

Consolidation—manner of effecting

SEC. 21. That whenever the lines of railroad of any railroad companies in this State, or any portion of such lines, have been or may be constructed so as to admit the passage of burden or passenger cars over any two or more of such roads continuously without break or interruption, such companies are hereby authorized to consolidate themselves into a single corporation in the manner following:

1. Any two or more railroad corporations may, by their directors, enter into an agreement, under the corporate seal of each for the consolidation of the said two or more corporations, prescribing the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation; the names and places of residence and number of the directors thereof, which shall not exceed fifteen; the time and place of holding the first election of directors; the number of shares of capital stock in the new corporation; the amount of each share, which shall not be less than one hundred dollars; the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporations; the manner of compensating stockholders in each of said two or more corporations, who refuse to convert their stock into the stock of such new corporation; with such other details as they shall deem necessary to perfect such consolidation of said corporations; and such new corporation shall possess all the powers, rights and franchises conferred upon such said two or more corporations, and shall be subject to all the restrictions and perform all the duties imposed by the provisions of this Act; *Provided*, That all stockholders in either of such corporations who shall refuse to convert their stock into the stock of such new corporation, shall be paid at least par value for each of the shares so held by them, if they shall

so require, previous to said consolidation being consummated.

2. Such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations, until after it has been submitted to the stockholders of each of said corporations separately, at a meeting thereof, to be called upon a notice of at least thirty days; specifying the time and place of such meeting, and the object thereof, to be addressed to each of such stockholders, when their place of residence is known, and deposited in the post office, and published for at least three successive weeks in one newspaper in at least one of the cities or towns in which each of said corporations has its principal office of business, and has been sanctioned by such stockholders by the vote of at least two-thirds in amount of the stockholders present at such meeting, voting by ballot, in regard to such agreement, either in person or by proxy, each share of capital stock being entitled to one vote; and when such agreement of the directors has been so sanctioned by each of the meetings of the stockholders separately, after being submitted to such meetings in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said two or more corporations. Consolidation—manner of effecting

SEC. 22. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate or counterpart thereof in the office of the Secretary of State, the said two or more corporations mentioned or referred to in the first section of this Act, shall be merged tn the new corporation provided for in such agreement, to be known by the corporate name therein mentioned; and the details of such agreement shall be carried into effect, as provided therein. Articles of consolidation to be filed

SEC. 23. Upon the election of the first Board of Directors of the corporation created by the agreement in the twenty-first section of this Act mentioned, and by the provisions of this Act, all and singular the rights and franchises of each and all of said two or more corporations, parties to such agreement, all and singular their rights and interests in and to every species of property, real, personal and mixed, and things in action, shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with the right of way, and all other rights of property, in the same manner, and to the same extent, as if the said two or more corporations, parties to such agreement, should have continued to retain the title, and transact the business of such corporation; and the titles and the real estate acquired by either of said two or more corporations, shall not be deemed to revert or be impaired by means of any thing in this Act contained; *Provided*, That all rights of creditors, and all liens upon the property of either of said Transfer of rights &c. to consolidated company

forfeiture of not more than one hundred dollars, nor less than twenty dollars, to be recovered in an action of debt, before any Justice of the Peace of the county in which such violation shall occur, upon the complaint of any person, one half to go to the complainant and the remainder to the use of common schools in the county; and such company shall be further liable in the full amount of damages done to property or person in consequence of any neglect on the part of its agents or employees to comply with the requirements of this section; and in all cases in which a forfeiture shall occur under the provisions of this section, the company, whose agents shall cause or permit such violation, shall be liable for the amount of such forfeiture, and in all cases the conductor upon such train shall be held *prima facie* to have caused the violation of this section, which may occur upon the train in his charge.

CONSOLIDATION OF RAILROAD COMPANIES.

Consolidation—manner of effecting

SEC. 21. That whenever the lines of railroad of any railroad companies in this State, or any portion of such lines, have been or may be constructed so as to admit the passage of burden or passenger cars over any two or more of such roads continuously without break or interruption, such companies are hereby authorized to consolidate themselves into a single corporation in the manner following:

1. Any two or more railroad corporations may, by their directors, enter into an agreement, under the corporate seal of each for the consolidation of the said two or more corporations, prescribing the terms and conditions thereof; the mode of carrying the same into effect; the name of the new corporation; the names and places of residence and number of the directors thereof, which shall not exceed fifteen; the time and place of holding the first election of directors; the number of shares of capital stock in the new corporation; the amount of each share, which shall not be less than one hundred dollars; the manner of converting the shares of capital stock in each of said two or more corporations into shares in such new corporations; the manner of compensating stockholders in each of said two or more corporations, who refuse to convert their stock into the stock of such new corporation; with such other details as they shall deem necessary to perfect such consolidation of said corporations; and such new corporation shall possess all the powers, rights and franchises conferred upon such said two or more corporations, and shall be subject to all the restrictions and perform all the duties imposed by the provisions of this Act; *Provided*, That all stockholders in either of such corporations who shall refuse to convert their stock into the stock of such new corporation, shall be paid at least par value for each of the shares so held by them, if they shall

so require, previous to said consolidation being consummated.

2. Such agreement of the directors shall not be deemed to be the agreement of the said two or more corporations, until after it has been submitted to the stockholders of each of said corporations separately, at a meeting thereof, to be called upon a notice of at least thirty days; specifying the time and place of such meeting, and the object thereof, to be addressed to each of such stockholders, when their place of residence is known, and deposited in the post office, and published for at least three successive weeks in one newspaper in at least one of the cities or towns in which each of said corporations has its principal office of business, and has been sanctioned by such stockholders by the vote of at least two-thirds in amount of the stockholders present at such meeting, voting by ballot, in regard to such agreement, either in person or by proxy, each share of capital stock being entitled to one vote; and when such agreement of the directors has been so sanctioned by each of the meetings of the stockholders separately, after being submitted to such meetings in the manner above mentioned, then such agreement of the directors shall be deemed to be the agreement of the said two or more corporations. Consolidation—manner of effecting

Sec. 22. Upon making the agreement mentioned in the preceding section, in the manner required therein, and filing a duplicate or counterpart thereof in the office of the Secretary of State, the said two or more corporations mentioned or referred to in the first section of this Act, shall be merged in the new corporation provided for in such agreement, to be known by the corporate name therein mentioned; and the details of such agreement shall be carried into effect, as provided therein. Articles of consolidation to be filed

Sec. 23. Upon the election of the first Board of Directors of the corporation created by the agreement in the twenty-first section of this Act mentioned, and by the provisions of this Act, all and singular the rights and franchises of each and all of said two or more corporations, parties to such agreement, all and singular their rights and interests in and to every species of property, real, personal and mixed, and things in action, shall be deemed to be transferred to and vested in such new corporation, without any other deed or transfer; and such new corporation shall hold and enjoy the same, together with the right of way, and all other rights of property, in the same manner, and to the same extent, as if the said two or more corporations, parties to such agreement, should have continued to retain the title, and transact the business of such corporation; and the titles and the real estate acquired by either of said two or more corporations, shall not be deemed to revert or be impaired by means of any thing in this Act contained; *Provided*, That all rights of creditors, and all liens upon the property of either of said Transfer of rights &c to consolidated company

corporations, parties to said agreement, shall be and hereby are preserved unimpaired; and the respective corporations shall continue to exist so far as may be necessary to enforce the same; *And Provided further*, That all the debts, liabilities and duties of either company, shall thenceforth attach to such new corporation, and be enforced from the same, to the same extent, and in the same manner, as if such debts, liabilities and duties, had been originally incurred by it.

Aid to other railroads—when it may be given

SEC. 24. Any railroad company heretofore or hereafter incorporated, may at any time, by means of subscription to the capital of any other company, or otherwise, aid such company in the construction of its railroad, for the purpose of forming a connection of said last mentioned road with the road owned by the company furnishing said aid; or any railroad company organized in pursuance of law, may lease or purchase any part or all of any railroad constructed by any other company, and if said companies' lines of said road are continuous or connected as aforesaid, upon such terms and conditions as may be agreed on between said companies respectively; or any two or more railroad companies whose lines are so connected may enter into any arrangement for their common benefit, consistent with and calculated to promote the objects for which they were created; *Provided*, That no such aid shall be furnished, nor any purchase, lease or arrangement perfected, until a meeting of the stockholders of each of said companies shall have been called by the directors thereof, at such time and place, and in such manner as they shall designate, and the holders of at least two-thirds of the stock of such company represented at such meeting, in person or by proxy, and voting thereat shall have assented thereto.

SEC. 25. This Act shall take effect immediately.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXI.

An Act for the location and establishment of the Minnesota State Institution for the Education of the Deaf and Dumb.

SECTION 1. Education of the Deaf and Dumb—establishment of an Institute therefor—name and location.
2. Board of Directors—term of office.
3. Organization of Board.
4. Of the meetings of the Board.
5. Of the powers of the Board to select officers of the Institution.
6. Of the selection of land, and erection of buildings.
7. Of the opening of the Institution.
8. Restrictions on the Board of Directors—Travelling fees.
9. Vacancies in the Board, how filled.
10. Appropriations by the Legislature, to be made, to complete and carry on the Institution.
11. Disbursements of the funds appropriated.
12. Accounts of the Institution.
13. Annual report of the Board to be furnished by the Governor.
14. Visitors *ex-officio*, of the Institution.
15. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There shall be established under the direction and supervision of the Board of Directors hereinafter specified, an institution for the education of the Deaf and Dumb, by the name and title of the Minnesota State Institution for the Education of the Deaf and Dumb. The said institution shall be located within two miles of the Town of Faribault, in the County of Rice, *Provided*, Said town or county shall donate to the State forty acres of land for the location, use and benefit of said institution, within one year from the passage of this Act. Establishment of State Institution

SEC. 2. The Board of Directors shall consist of six members, two of whom shall be annully elected by the Regents of the University of Minnesota, at their annual meeting; *Provided*, That at their first meeting after the passage of this Act, there shall be elected six Directors, two of whom shall be elected for three years, two for two years, and two for one year. Board of Directors—term of office

SEC. 3. Within thirty days after the election of Directors, as provided in Section three [two] of this Act, they shall meet at Faribault, for the purpose of organization and the adoption of measures to execute and carry into effect the provisions of this Act, at which meeting they shall severally take an oath or affirmation to support the Constitution of the United States, and the State of Minnesota, and to faithfully perform the duties of Directors as aforesaid; after which they shall Organization of the Board

organize by appointing one of their number as President, and another as Secretary, and some qualified person as Treasurer, who shall execute a bond with security, to be approved by the board, conditioned for the faithful performance of the duties of his office, and whose term of office shall be two years, and until his successor is appointed.

Meetings of the Board

SEC. 4. A majority of said Directors shall constitute a quorum for the transaction of business, and after the organization of the Board, meetings shall be held at such time and place, as the interest of the institution may require, until buildings are secured for the reception of pupils, after which meetings shall be at the place where such buildings are situated.

Officers of the Institution

SEC. 5. The said Directors are vested with power to appoint a Superintendent of said institution, who shall be President of the same, and who shall be *ex officio*, a member of the Board of Directors; also, to appoint instructors, and such other officers and agents, as may be found necessary in managing the concerns of the institution, to prescribe and regulate the course of study to be pursued; also, to fix the compensation of the President, and all other persons employed by the Board; to fix the rate of tuition, room rent and other expenses, and to displace or remove the President and all other persons appointed or employed about the institution, and appoint or employ successors; *Provided*, That a vote of two-thirds of all the members of the Board shall be necessary to the removal of the President.

Selection of land and erection of buildings

SEC. 6. It shall be the duty of said Board to select the land herein required on which to erect the buildings and make the improvements necessary to the operations of the institution as early as practicable, and to proceed so soon as funds are provided for that purpose, to erect the said buildings and make such improvements thereon, as the wants of the institution may demand.

Opening of the Institution

SEC. 7. The said Board shall provide at as early a day as practicable for the opening of a school for the education of all the deaf and dumb mutes in the State, of suitable age and capacity, to receive instructions, and also for their board, lodging, washing, and comfortable residence for the time being, and the expenses thereof shall be paid out of the funds appropriated for that purpose; *Provided*, That the Board may require payment for tuition, board and other accomodations, from those who have means of payment, or from their parents or guardians.

Restrictions on Board of Directors—traveling fees

SEC. 8. No member of the said Board shall be interested in any contract made with the Board, nor shall any member be employed or appointed in or about any agency or business of the Board for which compensation is or may be allowed; *Provided*, That members of the Board residing out of the county in which the institution is located, shall be allowed and paid their traveling and personal expenses incurred in

attending the meetings and necessary business of the Board, and the like allowance may be made to any member of the Board employed out of the county in which he resides.

Vacancies in Board

SEC. 9. All vacancies in the Board, whether occurring by reason of the expiration of the term of office or otherwise; shall be filled by the remaining members, and each successor shall take the oath or affirmation herein provided.

State appropriation to be made

SEC. 10. It shall be the duty of the Legislature to make such appropriations from time to time as may be necessary, for the erection of buildings and purchase of furniture, all necessary apparatus, library, etc., payment of Professors and Teachers, and such other necessary expenses to be incurred in the establishment and successful operation of said institution.

Disbursement of the funds

SEC. 11. The funds appropriated to the said institution shall be paid upon orders of the Board, as required for use, and shall be accounted for to the proper disbursing officers of the State half-yearly, or at such time as said officers may require, and upon each accounting a full and fair statement shall be made of the expenditures of funds previously received under appropriate heads, accompanied by original vouchers or receipts for the same, and funds raised under each head of appropriations shall be accounted for as aforesaid, before any additional sum shall be paid out of the same appropriation.

Accounts of Institution

SEC. 12. The accounts of the institution with reference to the ordinary expenses shall be so kept, as to show the kind, quantity and cost of each article purchased.

Annual report of Board

SEC. 13. Within ten days preceding the meeting of each regular session of the Legislature, the said Board shall furnish to the Governor a printed report of the action of the Board, and an estimation of the institution in all of its departments together with a statement of the receipts and disbursements of funds, and during the first week of the session of the Legislature, at least ten copies of said report shall be delivered to each member thereof. The said report shall show:

First—The names of the President and Directors, Secretary and Treasurer, and of the President and Teachers employed, with the compensation allowed to each;

Second—The names, ages and residences of the pupils, and the dates of their reception into the institution;

Third—The names, ages and residences of deaf mutes ascertained to be in the State, who have not attended the school;

Fourth—The names and residences of all other persons in the service of the institution, and their business and compensation;

Fifth—The statement of the accounts of the corporation, showing the amounts of money received and dates thereof, and its disbursements;

Sixth—Such a report from the President of the institution, as is usually made from such institutions of other States.

Visitors to Institution

SEC. 14. The Governor, Lieutenant Governor, and Judges of the Supreme Court, shall be *ex officio* visitors of said institution.

SEC. 15. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXII.

An Act concerning Land Grant Railroads.

SECTION 1. Railroad Companies to provide for payment of interest and principal on State Bonds; expenses of issuing State bonds to be paid by Railroads.
2. Default in payment of interest; duty of Governor.
3. Default; first mortgage bonds to be sold for indemnity.
4. Sale of lands for default; Governor to advertise and sell the same.
5. Manner of foreclosing mortgages, for default.
6. Governor authorized to employ engineers to examine work of Companies asking issues of State bonds.
7. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Land grant railroad companies to provide for principal and interest on state loans

SECTION 1. Each and every railroad company entitled to and accepting the loan of State credit authorized by Section X. of Article 9 of the Constitution, shall make due provision for the punctual payment of the interest and the final redemption of the Minnesota Railroad Bonds, issued to such company by the State, and to this end, every such railroad company shall provide and arrange that semi-annual payments of interest and final payments of the principal of the first mortgage bonds of any such railroad company, which

may be or shall have been transferred to this State on the roads, lands, and franchises of any such company, corresponding to the State bonds to such company issued, shall mature and be payable at least sixty days before the maturity of the principal or interest of the Minnesota State Railroad Bonds issued, and delivered or to be issued, and delivered to such company; and the interest and principal of said railroad bonds which may have been transferred to the State, shall be paid at the maturity thereof to the Treasurer of the State, together with such amount as may be necessary to pay all exchanges or expenses in payment of the ensuing installments or interest or principal of the Minnesota State Railroad Bonds, issued for the benefit or use of such railroad company. And all such railroad companies claiming or receiving State aid, shall further make due provision that all necessary expenses or charges incurred to carry out the provisions of this enactment, and the provisions of the said Section ten, Article nine of the Constitution authorizing and having reference to a loan of State credit to railroads, shall be borne, and paid *pro rata*, by such railroad companies as may receive the benefits thereof, and shall not be chargeable to the State.

Default in payment of interest—duty of Governor

Sec. 2. Whenever any default shall occur in the payment of interest or principal of the railroad bonds transferred to the State, so that no provision shall be made by the said railroad companies as aforesaid, for the ensuing payment of the interest or principal of the Minnesota State Railroad bonds, sixty days before the maturity of any installment of interest or final redemption of said State railroad bonds as herein provided, the Governor shall immediately proceed to provide for such payment or payments, and to indemnify the State for such payment or payments, or responsibility, by sale of a sufficient amount of the bonds of the defaulting company, or by sale of the lands pledged, or foreclosure of the mortgage or deed of trust of such defaulting company, or by all or any such means of indemnification in the manner herein provided.

Default—first mortgage bonds to be sold

Sec. 3. The Governor may on such default, immediately advertise for thirty days in three newspapers published in the city of New York, and in one newspaper published at the seat of government of this State, that a sufficient amount of first mortgage bonds of such defaulting company shall be sold on the fortieth day after such default, in the city of New York, to the highest bidder for cash, and such sale of bonds shall be made accordingly, and the proceeds thereof shall be returned to the Treasury to indemnify the State for such default, together with all costs, charges and damages growing out of such default and sale.

Sec. 4. In case of a sale of lands to be made under and to provide for the default of any such company as aforesaid, the Governor may advertise and sell the same in such parcels, and at such times, as shall be deemed most expedient,

Sale of lands for default—Governor to advertise sale

and all such sales or conveyances shall be made by the Governor and Secretary of State, and shall be absolute conveyances of the title in fee as far as the same may have been invested in any such company, or in the State, and without any redemption or right of redemption in any company, or subsequent creditor, person or persons whomsoever, but no sales of bonds or lands shall take place if the defaulting company shall make payment of all principal and interest then due, and all expenses incurred by the State prior to the day of sale of any such railroad bonds or lands, but this provision shall not be so construed as to prevent the Governor and Secretary of State, until such payment by the defaulting company, from making sales and conveyances of any parcels of lands, as aforesaid, without the consent or assistance of the defaulting company, whenever default shall occur in the provision by such company as herein required, for any ensuing payment of interest or principal of the Minnesota State Railroad bonds issued to such company.

Manner of foreclosing mortgage

SEC. 5. All foreclosures of the mortgage or deed of trust of any defaulting company making such default, in the payment of interest or principal of the bonds of such company and for which default a foreclosure of the mortgage or deed of trust of such company may be required, or demanded, shall be made only for and on account of the default occurring, and all such foreclosure shall be by public sale of all the properties, rights, privileges, and franchises pledged in such deed of trust or mortgage, for the payment of the interest and final redemption of such company's bonds, due notice having first been given of such intended sale, by advertisement in such manner and for such length of time as may be prescribed in said deed of trust or mortgage; and in case of any sale of any railroad or railroads, or any part thereof, constructed, or in process of construction, by any railroad company by virtue of any trust deed, or on foreclosure of any mortgage thereupon, the party or parties acquiring title under any such sale, and their associates, successors, or assigns, shall have and acquire thereby, and shall exercise and enjoy thereafter, all and the same rights, privileges, grants, franchises, immunities and advantages in and by said mortgage or trust deed enumerated and conveyed which belonged to and were enjoyed by the company making such deed or mortgage, or contracting such debts, so far as the same relate and appertain to that portion of said road, or the line thereof, mentioned and described in and conveyed by said mortgage or trust deed, and no further, as fully and absolutely, in all respects as the corporators, shareholders, officers and agents of such company, might or could have done theretofore, had not such sale or foreclosure taken place. Such purchaser or purchasers, their associates, successors or assigns, may proceed to organize anew and elect directors, distribute and dispose of stock, take the same or another

name, and may conduct their business generally under and in the manner provided in the charter of such railroad company, with such changes or variations in manner and form of organization as their altered circumstances and better convenience may seem to require; *Provided, however*, That no greater or enlarged powers shall be exercised by the new organization than are conferred by the charter of such company.

Governor may employ engineers to examine work of railroads asking loans

SEC. 6. The Governor may, at any time during the prosecution of the work on any sections of road entitling any company to an issue of State bonds, engage the services of practical engineers or surveyors to visit, examine and report upon the amount and quality of all work done or being done thereon; and such engineers or surveyors shall certify under oath to the Governor the condition and character of all such work, particularly specifying the quality, extent and character of the grading and excavations, as well as respectively all mechanical structures and other appurtenances of any such road or section, and whether in the opinion of such engineer or engineers, surveyor or surveyors, such railroad company are entitled to an issue of State bonds on account of such particular section or sections of road; but no such certificate, examination or proof shall be deemed conclusive or final, but new surveys or examinations may be ordered or other proof received in the discretion and to the satisfaction of the Governor before any such State bonds shall be issued thereon.

SEC. 7. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight. HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXIII.

An Act to regulate and encourage the Drainage of Lands.

SECTION 1. Incorporation of companies organized for the drainage of lands; corporate rights.
2. Declaration and copy of charter to be filed.
3. Authority to survey and open drains; *pro rata* tax on land benefitted.
4. Owner may construct drains on his own land; allowance therefor.
5. Lateral drains, privilege to make by parties having paid their assessments.
6. Authority to run drains into lakes or streams, but not to overflow or deplete, or injure.
7. Right of way across lands, subject to compensation therefor.
8. Right to create water-power, and dispose of same.
9. Damages by overflowing land, to be recovered.
10. Damages how determined.
11. Exemplary or vindictive damages not to be allowed.
12. Judgment to become a lien upon the company's works.
13. Rights of company upon adjustment of damages.
14. Prohibition to enter upon the same lands by more than one company.
15. This Act deemed a public act, and subject to amendment.
16. Repeal of acts inconsistent.
17. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Companies to be incorporated for drainage of land

SECTION 1. That any number of persons may associate themselves together for the purpose of draining lands and creating water privileges;—and they may become incorporated with rights to have perpetual succession; to sue and be sued by their corporate name; to have and use a common seal, which they may alter at pleasure; to render the interest of stockholders transferrable; to exempt the private property of its members from liability for corporate debts; to establish by-laws, and make all needful rules and regulations for the management of their affairs, and with such franchises and under such restrictions as are hereinafter set forth.

Declaration and copy of charter to be filed

SEC. 2. Such persons shall file in the office of the Register of Deeds of the county or counties through which their drain or conduits shall pass, a declaration, signed by all the corporators, expressing their intention to form such a company: which declaration shall also comprise a copy of the charter proposed to be adopted by them; and they shall also, before commencing any draining operations, file with the said declaration an instrument of writing, signed by a majority of the owners or occupants of the lands through which such drains or conduits shall pass, showing and certifying the consent and grant of the right of way, given to the said company by such majority of owners and occupants;

and the said company or companies shall also publish a notice of their intention, and a description of the lands through which their drains, conduits, dams, or works, shall pass, once a week for three successive weeks in a public newspaper published in the county where their operations are to be, or if there is no newspaper published in said county, then by posting at least three notices to the same effect along the proposed line of said conduits, drains or dams.

Authority to survey and open drains—*pro rata* tax on land benefitted

SEC. 3. The said corporations are hereby authorized and empowered to cause such surveys and examinations to be made as may be necessary to ascertain the most advantageous route through which their drains may be conducted, and to cause estimates to be made of the probable cost thereof, and to tax and collect a *pro rata* assessment of the same on the lands to be benefitted by such improvement or drainage, but in no case shall any tax be levied on lands through which the right of way has been obtained and which said lands are not improved nor benefitted by such canal or drains; nor shall any lands be taxed at a higher or different rate than a just proportion of the entire cost of the drain or drains throughout the entire length of the same, and with reference to the section or sections passing through the same; neither shall any tax be levied or assessed by authority of this Act for any ditch, dam, culvert, race or canal wider than ten feet, nor deeper than six feet, but any such company may construct or excavate any ditch, conduit or canal to a width not exceeding twenty feet, and to such depth as they may require, and in such case the excavation and construction may only be taxed against the owners or occupants of lands through which the same shall pass, and who may be benefitted thereby, to the extent of the width and depth of such conduit, firstly herein set forth.

Owners may construct drains—compensation

SEC. 4. It shall be lawful and competent for the owner or occupant of any lands through which said drains may pass, to construct, or aid in the excavation and construction of any section of the same passing through his or their lands, and to be credited with the same on his or their assessment, at such rate as shall be equal to the average contracts of the company, for such work, or as may be agreed upon between the parties, but all such work shall be done under the superintendence of the company, their engineer or agent, and any default on the part of the said owner, or occupant, in time or inadequacy of the work, shall authorize and empower the company to finish, alter or complete the same, as they may deem best.

Lateral drains—privilege to make

SEC 5. The owner or owners of any lands through which said conduits shall pass, and who shall have paid their assessments thereon, shall, in all future time have the right and privilege to make lateral drains through any portion of their lands so assessed, and to lead and conduct the same into the main conduit, but no other person or persons shall have such right without the consent of the company.

Extension of drains into lakes or streams

SEC. 6. It shall be competent for any such company to lead or construct their said conduits, canals or drains, from or into any lake, brook, stream or water course; but this section shall not be so construed as to authorize any company to deplete, empty or overflow any lake, brook or stream, to the injury or damage of any person, or persons, without their consent, and no drain made by any such company shall be allowed to overflow, or run out upon any lands to their damage; but all such drains, conduits, races or canals shall be conveyed to a running stream, lake, river, or other absorbing conduit, and every such company shall be responsible for any violation of this Section to the parties injured thereby, the damages to be assessed in the manner hereinafter set forth.

Right of way across lands—corporation

SEC. 7. Any such corporation or company, shall have the right of way across all lands, not being in an incorporated town or village, whenever a majority of the owners of such lands have consented to the same, and said companies may appropriate to their own use and control for the purposes of their drains, or appurtenances, such width of tract throughout its entire length not exceeding thirty feet, as the said company shall absolutely require for the purposes and objects of their incorporation, subject however, to the payment of such compensation as the companies may agree to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided, and the said companies shall have the right to cross public roads, highways, streams or other water-courses, *Provided*, That at such crossings the said company or companies, shall restore said road, highway, stream or water-course so disturbed, to its former state, or in a manner not to impair their usefulness to the person, or persons occupying, or to the public.

Right to create water powers

SEC. 8. It shall be lawful for any such company to raise or save the water running through said drains, canals or conduits, by a dam or dams, at such places as they shall deem expedient, and to make use of such water for propelling any kind of machinery, or for any other purpose, and to sell or lease the right to use such water, or any part thereof, to any person or persons whomsoever.

Damages for overflowing lands

SEC. 9. In case the raising of the waters by means of the dams aforesaid, shall damage any land not owned by the company, and without the consent of the owner or owners thereof, or in case the right of way shall be taken by such companies across any field or lands without the consent of the owner or owners, to his or their detriment, or damage, or in case any stream, lake, marsh or lands, shall be depleted, emptied, or overflowed, to the injury or damage of any person or persons, without their consent, by the operations, act, or acts of any such company, then and in all such cases, the owner or owners of any such lands so injured or damaged, shall recover from such company, just compensation for all

damages occasioned by the passage of such drains or conduits through their lands, or by the depletion, emptying or overflowing of such lake, stream, marsh, or lands, or by raising of the waters as aforesaid, and by maintaining such conduits and dams forever.

Damages—how determined

SEC. 10. Such damages shall be determined by the verdict of a jury in an action brought in any Court of record having jurisdiction of civil action, and at the request of either party the jury shall take a view of the premises, under order of the Court.

Exemplary damages not to be allowed

SEC. 11 In such action no exemplary or vindictive damages shall be allowed, but if judgment shall be rendered for the plaintiff, the Court shall have power in its discretion to award to the plaintiff, extra cost in addition to the costs ordinarily taxable, but not exceeding in all, double the amount of ordinary costs.

Judgments to become a lien upon company's works

SEC. 12. Judgment shall be rendered and execution issued in such action, as in ordinary actions for injuries to real estate, and such judgment, from the time of docketing the same, shall become a lien upon the dam, or dams, of the company, the mills furnished with water thereby, and their rights and privileges in such water power, by whomsoever the same may be owned or possessed.

Rights of companies

SEC. 13. Upon payment and discharge of any such judgment, the said company or companies, or their assigns (as against the party recovering such judgment, his heirs and assigns) shall enjoy forever the right to keep up and maintain the conduit, dam or dams, respecting which such judgment was rendered, and the remedy provided by this Act for any such injuries to lands, or rights as are herein mentioned, shall be exclusive of all other remedies of whatever nature.

Prohibition to other companies to enter upon same lands

SEC. 14. After the performance by any company or association of persons of the condition prescribed in Section 2, it shall not be lawful for any other company or association of persons, to enter in any manner whatever upon the same lands for draining purposes, nor to tap or break into any conduit constructed by the first company, nor to drain any lake, stream, or marsh, drained or to be drained by the said first company, unless a default shall occur, or remain by the neglect or failure of the said company to commence their operations within one year from the filing of their declaration in the office of the Register of Deeds, as specified in Section two (2) of this Act, or a subsequent default in the failure of the said first company to complete their undertaking, as specified in their published declaration of intention, within five years from the date of such publication, but this Section shall not be construed so as to prevent any owner of lands throughout such tract, to drain his own lands meanwhile in such manner as he may have otherwise legally done.

Declared a public act

SEC. 15. This Act is hereby declared to be a public and general Act, and may be amended by any subsequent Legis-

lature in any manner not destroying or impairing vested rights.

SEC. 16. All acts and parts of acts contravening the provisions of this Act are hereby repealed.

SEC. 17. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August third, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXIV.

An Act to regulate the Traffic in Spirituous Liquors.

SECTION 1. Boards of Supervisors authorized to grant licenses to vend liquors.
2. License for selling intoxicating liquors—License for selling malt liquors—Bonds to be given.
3. Licenses to expire on 1st of January yearly.
4. Violation of conditions of bond—Suit to be brought.
5. Revocation of license at any time—Penalty for violation of bond.
6. Selling liquor without license, penalty, and mode of recovering.
7. Peace officers, their duty to prosecute all violations of this Act.
8. Penalty for non-performance of the duties specified.
9. Supervisors individually liable for damages when bond is proved to be of no value.
10. List of licensed persons to be delivered to the Grand Jury.
11. Duty of Grand Jury to return bills of indictments for violations of this Act.
12. Justices of Peace to have concurrent jurisdiction with District Court in suits upon bonds.
13. Provides for jury trial and appeal, if requested.
14. Right of municipal townships to decide against licenses by vote of the people.
15. Repeal of former acts, except such as relate to traffic with Indians,
16. Act takes effect on the first of September, 1858.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Board of Supervisors in the several

counties in this State, may grant licenses for the sale in any quantity of spirituous, vinous or fermented and malt liquors within their proper counties, to any person of the age of twenty-one or more years, upon his complying with the conditions of Section two of this Act. Authority to grant licenses

Sec. 2. That any person or persons applying for license to sell intoxicating liquors, shall, before the same is issued, pay to the County Treasurer of the proper county, a sum not greater than one hundred dollars, nor less than fifty dollars, at the discretion of the Board of Supervisors, and shall file with the Clerk of said Board, a bond with two or more sureties to be approved by the Board, in the penal sum of one thousand dollars. That any person or persons applying for license to sell malt liquors only, shall, before the same is issued, pay to the County Treasurer of the proper county, a sum not greater than fifty dollars nor less than twenty dollars, at the discretion of the Board of Supervisors, and shall file with the Clerk of said Board a bond with two or more sureties, to be approved by the Board, in the penal sum of five hundred dollars, conditioned in all cases, that the said person or persons so licensed, will not sell or otherwise dispose of spirituous and intoxicating liquors, or malt liquors, (as the case may be,) at any place other than the building or town for which said person or persons may have been licensed, nor on the Sabbath, and that he or they will keep a quiet and orderly house, and not permit gambling with cards or any other device for money or the representative of money, in the house or place of business of such person or persons. Licenses for intoxicating liquors — For malt liquors — Bond to be given

Sec. 3. All licenses granted in pursuance of Section two of this Act, for the sale of, or traffic in spirituous, vinous or fermented liquors, or malt liquors, shall expire on the 1st day of January in each year, and on and after that day they may be granted for the whole or remainder of the year, whenever the officer authorized to grant the same, shall deem it expedient; *Provided*, That no license granted subsequent to the day designated in this section, shall be deemed to extend retrospectively beyond the day upon which said license shall have been issued. Expiration of license

Sec. 4. If the person or persons to whom such license may be granted, shall violate any of the conditions of the bond provided for in Section two of this Act, suit may be brought on said bond in any Court having competent jurisdiction, by any person in the county in which such license was granted, and recovery had for any sum not exceeding the whole amount of said bond, for each and every violation of any of the conditions of said bond. Violation of bond

Sec. 5. Any Board of County Supervisors may revoke any license granted under the provisions of this Act at any time they may deem proper, and every license granted by any Board of Supervisors shall be deemed to have expired, and shall cease to be in force from and after any violation of any Revocation of license

of the conditions of the bond required by this Act, shall have been proved before any Court having competent jurisdiction, and thereafter the person or persons who may have so violated the conditions of the said bond, shall be liable to all the penalties provided for persons selling liquors without license, by the Sixth Section of this Act, and shall be further liable for all damages done by persons intoxicated by liquors obtained from them.

Selling without license—penalty

SEC. 6. If any person or persons shall sell or barter any spirituous, vinous or fermented or malt liquors, in less quantity or quantities than five gallons, without having first obtained license therefor, agreeably to the provisions of this Act, or if any person or persons shall dispose of any spirituous, vinous or fermented, or malt liquors, under any pretext or in any manner from which an intention to evade the provisions of this Act, may appear, he or they shall, upon conviction thereof by indictment in any Court having jurisdiction of the same, be fined for every such offense in any sum not exceeding one hundred dollars nor less than twenty-five dollars, for the use of Common Schools in the county where the offense shall have been committed, and upon failure to pay the fine so assessed, the Court shall direct the Sheriff or any Constable, to destroy all spirituous, vinous or fermented, or malt liquors of any kind, that may be kept for sale or dealt in by any such person or persons contrary to the requirements of this Act.

Peace officers—their duty

SEC. 7. It shall be and is hereby made a duty of the District Attorney, Sheriffs, Constables and Justices of the Peace having knowledge of any violation of the provisions of this Act, to make complaint thereof to the Grand Jury at the next Session of the District Court of the county in which the offense may have been committed after said violation, or to a Justice of the Peace, which Justice shall have full power to proceed to judgment thereon. It shall also be a duty of the District Attorney to prosecute the bond given by such applicant as is required by the Second Section of this Act, for any violation of its conditions, and the moneys collected on judgments on such bonds, shall, except the taxable costs, be, in all cases, paid to the treasurer of the proper county, for the use of the Common Schools therein.

Penalty for non-performance of duty

SEC. 8. If any Judge, Sheriff, Justice of the Peace, Constable or other officer shall wilfully neglect or refuse to perform any duty required of him by this Act, he shall be deemed guilty of a malfeasance in office, and shall thereafter be disqualified for holding the same or performing the duties pertaining thereto, for and during the remainder of the term of time for which he was elected, and shall be liable on his bond in any amount not exceeding five hundred dollars, nor less than one hundred dollars, recoverable in any Court having jurisdiction in the case; *Provided*, That nothing herein contained shall be construed as releasing or disqualifying said

officer from making the proper transfer to his successor in office, of all books, papers, and matters pertaining to his said office, as is required by law.

Supervisors liable if bond is insufficient

SEC. 9. When any suit is brought upon any bond aforesaid, and judgment rendered against the principal and sureties upon said bond, and property cannot be found with said principal and sureties, to satisfy said judgment, the Board of Supervisors who approved said bond shall be held individually liable for said judgment, unless the sureties on said bond shall have testified before some Judge of the District Court, or Justice of the Peace, that at the time of joining in said bond by them, they were worth double the amount mentioned therein, above all debts and liabilities incurred by them, and any and every exemption by law of property from execution.

List of licensed persons to be given to grand jury

SEC. 10. It shall be and is hereby made a duty of the Clerk of the Board of Supervisors of each county to deliver to the Grand Jury, on the first day of the term of such District Court, an accurate list of all persons holding licences under the provision of this Act within his county, which list shall show the date of, and the amount paid for each of said licenses respectively.

Grand jury to return bills of indictment

SEC. 11. The Grand Jury at each and every term of the District Court in any county in this State, shall make strict inquiry and return bills of indictment against all or every person violating any of the provisions of this Act.

Jurisdiction of justices of the peace

SEC. 12. Justices of the Peace shall have concurrent jurisdiction with the District Court in all actions arising under any of the provisions of this Act, or on the bond provided for in this Act, when the amount sued for does not exceed one hundred dollars.

Jury trial and appeal

SEC. 13. Any person or persons who may be sued for a violation of any of the provisions of this Act, or on any bond required by this Act may at his or their request, have the case submitted to a jury as in other cases, and may appeal from the decision of any Court as provided by law, but no appeal shall be so construed as to effect the expiration of the term of any license as provided in Section five of this Act.

Vote of the people on licenses in townships

SEC. 14. That the provisions of this Act shall extend and apply to all the counties in the State, but nothing in this Act shall be so construed as to prevent the people of any municipal township from deciding for themselves, whether licences shall be granted to any person or persons in said township; and the Board of County Supervisors are hereby required, on the petition of ten or more legal voters of said township, at any time not less than thirty days before any regular election, to give notice that the question of license will be submitted to the passage at said election, which question shall be determined by ballots containing the words, "In favor of license," or "Against license," (as the case may be,)

which vote shall be canvassed and returns made as is by law now prescribed for the canvassing of election returns, and if such returns show that a majority of the votes cast at such election shall be against license, then the Board of County Supervisors shall issue no license in said township.

SEC. 15. All acts and parts of acts relative to the sale of, or traffic, in spirituous or intoxicating liquors, except such as relate to the traffic in ardent spirits with the Indians, are hereby repealed; *Provided*, That all suits or prosecutions now pending, commenced under any law which by this Act is repealed, shall be prosecuted, to final judgment and execution as though this Act had not passed; *And provided further*, That all licenses granted in pursuance of any law, which by this Act is repealed, shall continue in full force and effect for the full period for which they were granted.

Repeal of former acts

SEC. 16. This Act shall be in force from and after the first day of September, A. D. one thousand eight hundred and fifty-eight.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelve, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXV.

An Act to provide for Township Organization.

ARTICLE 1. Division of the organized counties into towns—Names of towns.
2. Of the rights, powers and liabilities of towns as bodies corporate.
3. Of town-meetings—Powers of Electors—Town Officers.
4. Of the method of conducting town-meetings.
5. Of the manner of holding elections.
6. Of the qualifications of Town Officers.
7. Of neglect or failure to elect Town Officers and vacancies.
8. Of the duties of the Chairman of the Board of Supervisors.
9. Of the duties of the Town Clerk.
10. Of the duties of the Board of Auditors.
11. Of the compensation of Town Officers.
12. Of suits or actions against towns.
13. Of pounds—what are town charges—delivery of books and records to successors in office.
14. Powers of counties.

ARTICLE 15. Of the meetings of Chairmen of Boards of Supervisors—of the county Clerk—of the assessment of tax for the erection of school buildings.
16. Of the election of County Treasurer—specified duties.
17. Of the assessment of real and personal property.
18. Of the form of assessment rolls—duty of State Auditor—duties of Assessors.
19. Of the equalization of assessments, and the correction of the assessment rolls.
20. Of the manner of collecting taxes—duties of Collectors.
21. Of roads, highways and bridges.
22. Of liability to work on highways—notice to be given by Overseers—duties of Overseers.
23. Of alterations or discontinuances of roads—assessment of damages.
24. Miscellaneous Provisions.

Be it enacted by the Legislature of the State of Minnesota:

ARTICLE I.

Governor to appoint commissioners to divide counties

SECTION 1. The Governor is hereby authorized and required to appoint three persons to act as Commissioners, in each of the organized counties in this State, who shall be residents thereof, to divide such counties into towns under the provisions of this Act: *Provided*, That where the County Commissioners of any county have divided their county into towns, by making a record, and filed the same in the office of Register of Deeds, of the bounds and name of each town (according to an Act approved March 20th and June 21st, 1858,) the Governor shall not make such appointment.

Boundaries to be designated—officers when to qualify

SEC. 2. In all cases in counties where the County Commissioners have failed to divide their counties into towns, it shall be the duty of the Commissioners appointed by the Governor, to make a record of the bounds and name of each town, in townships where the legal voters have organized by the election of township officers, on the 11th day of May and 5th day of July, 1858: *Provided*, That said township officers, so elected, shall qualify according to the provisions of this Act, within ten days after the making of a record as herein required; and the election in all such towns is hereby declared to be legal and binding.

Fractional townships or whole townships how attached or divided

SEC. 3. The Commissioners so appointed in each county, shall, within twenty days after notice of their appointment, proceed to divide such county into towns by making as many towns as there are townships, according to government survey. Fractions of townships or whole townships, or either of them, may be attached to an adjoining town, or may be divided between two or more towns, or organize separately, according to the wishes of a majority of the legal voters to be affected thereby; and when rivers or creeks so divide a township as to be inconvenient for doing town business, the fraction so formed may be disposed of as other fractions; and any township having two or more villages or cities, may be divided for township purposes, whenever a majority of the legal voters of any village or city shall petition the County Supervisors for such division, and whenever the County Supervisors are so petitioned, they shall proceed to divide such township in such manner as will best suit the convenience of

the people: *Provided*, That no town shall contain less than one hundred inhabitants.

Towns to be named by the people or commissioners

SEC. 4. Towns thus formed shall be named in accordance with the expressed wish of the inhabitants of the town; but if there shall not be a degree of unanimity as to the name, the Commissioners may designate a name.

Commissioners to report to register of deeds

SEC. 5. The Commissioners shall make a written report of their proceedings, giving the names and bounds of each town, and present such report to the Register of Deeds of the county.

Register of deeds to designate place for first town meeting

SEC. 6. The Register of Deeds shall thereupon make out notices for each town, designating a suitable place for holding the first town meeting in such town, which shall be holden within twenty days after the Register of Deeds receives the report of said Commissioners; and he shall deliver such notices to the sheriff of the county, who shall cause the same to be posted in not less than three of the most public places in such township, and not less than ten days before the day set for such town meeting. If any Register of Deeds or Sheriff, shall fail to perform their duties under this Act, they, or either of them, shall forfeit not less than one, nor more than five hundred dollars to the county injured.

Description of each town to be recorded by register

SEC. 7. Each Register of Deeds shall, within thirty days after receiving such report of the Commissioners, transmit by mail, to the Auditor of State, an abstract of such report, giving the bounds of each town and the names designated; and said Register shall record in a book for that purpose, a description of each town, as fully as the report of said commissioners.

No two towns to have same name

SEC. 8. If the Auditor, on comparing the abstract of the reports from the several counties, shall find that any two or more townships have names alike, he shall transmit to the Register of the county or counties, the name or names of such town or towns to be altered, and the Board of Supervisors of such county shall, at its next meeting thereafter, adopt for such town some name different from those heretofore named, so that no two towns organized under this Act shall be named alike; and when such name shall be adopted, the Register of the county shall inform the Auditor, as before directed.

Auditor to make record

SEC. 9. The Auditor of the State shall make a record of the names and boundaries of the several towns organized under this Act.

ARTICLE II.

OF THE RIGHTS, POWERS AND LIABILITIES OF TOWNS AS BODIES CORPORATE.

SEC. 1. Each town as a body corporate has capacity—

Power to sue &c

First—To sue and be sued, in the manner prescribed in the laws of this State.

To purchase and hold lands

Second—To purchase and hold lands within its own limits and for the use of its inhabitants, subject to the power of the Legislature.

Third—To make such contracts, purchase and hold such personal property as may be necessary to the exercise of its corporate or administrative powers. Make contracts.

Fourth—To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interests of its own inhabitants. Regulate property

Sec. 2. No town shall possess or exercise any corporate powers except such as are enumerated in this Act, or shall be specially given by law, or shall be necessary to the exercise of the powers so enumerated or granted. Powers prohibited.

Sec. 3. All acts or proceedings by or against a town in its corporate capacity, shall be in the name of such town; but every conveyance of lands within the limits of such town, made in any manner, for the use or benefit of its inhabitants, shall have the same effect as if made to the town by name. Conveyance of land

ARTICLE III.

OF TOWN MEETINGS.

Section 1. The citizens of the several towns of this State, qualified by the Constitution to vote at general elections, shall annually assemble and hold town meetings in their respective towns, on the first Tuesday of April, at such place in each town as the electors thereof, at their annual town meetings shall, from time to time, appoint, and notice of the time and place of holding such meeting shall be given by the Town Clerk, by posting up written or printed notices in three of the most public places in said town, at least ten days prior to said meeting. Town meetings—When and where held—notice to be given

Sec. 2. There shall be chosen at the annual town meeting in each town, three Supervisors, one to be designated as chairman, one Town Clerk, one Assessor, one Collector, one Overseer of the Poor, two Constables, two Justices of the Peace, as many Overseers of the Highways as there are road districts in the town, and as many Pound Masters as the electors may determine: *Provided*, That Justices of the Peace and Constables shall be elected only once in two years, except to fill vacancies, and such Justices and Constables shall be successors to Precinct Justices and Constables as soon as they are duly elected and qualified. Officers to be elected

Sec. 3. The Assessors and Supervisors elected in every town, shall, by virtue of their office, be Fence Viewers of such towns. Fence viewers—Who are

Sec. 4. The electors of each town shall have power at their annual town meetings: Powers of electors at town meetings

1st. To determine the number of Pound Masters and the locality of Pounds.

2d. To select such town officers as may be required to be chosen.

3d. To direct the institution or defense of suits at law or in equity, in all controversies where such town shall be interested. Suits at law

To raise money

4th. To direct such sum to be raised in such town for prosecuting or defending such suit, as they may deem necessary.

Fences

5th. To make all rules and regulations for ascertaining the sufficiency of all fences in such towns, and for impounding animals.

Cattle, horses, &c

6th. To determine the time and manner in which cattle, horses, mules, asses, hogs, sheep, goats, or dogs, shall be permitted to go at large.

To impose penalties

7th. To impose such penalties on persons offending against any rule or regulation established by such town, except such as relate to the keeping and maintaining of fences, as they may think proper, not exceeding ten dollars for each offense.

Penalties how applied

8th. To apply such penalties when collected, in such manner as they may deem most conducive to the interest of such town.

When to be held—notice of &c

SEC. 5. Special town meetings shall be held to supply vacancies in the several cases hereinafter provided for. They shall be held when the Supervisors, Town Clerk and Justices of the Peace, or any two of them, together with at least twelve other freeholders of the town, shall, in writing, file in the office of the Town Clerk, a statement that a special meeting is necessary to the interests of the town, and the Town Clerk, or in case of his absence the Supervisor shall post up notices in five of the most public places in the town, giving at least ten days notice of such special town meeting, and such meeting shall act on no subject that shall not be specified in the notice calling such meeting.

ARTICLE IV.

OF THE METHOD OF CONDUCTING TOWN MEETINGS.

Town meetings—how conducted—who to be clerk—clerk pro tem

SEC. 1. The electors present at any time between nine and ten o'clock in the forenoon of the day of the annual town meeting, or special town meeting, shall be called to order by the Town Clerk, if there be one present, in case there is none present, then the voters may elect, by acclamation, one of their number chairman. They shall then proceed to choose one of their number to preside as moderator of such meeting. The Town Clerk last before elected, shall be clerk of the meeting, and shall keep faithful minutes of its proceedings, in which he shall enter at length, every order or direction, and all rules and regulations made by such meeting. If the Town Clerk be absent, then such person as shall be elected for that purpose, shall act as clerk of the meeting. (1, 2, 3.)

Questions how determined

SEC. 2. All questions upon motions made at town meetings, shall be determined by the majority of the electors voting, and the moderator presiding at said meeting, shall ascertain and declare the result of the votes on each question.

SEC. 3. If any person offering to vote at any election, or upon any question arising at such town meeting, shall be

challenged as an unqualified voter, the judges of the town meeting, shall proceed thereupon in like manner as the judges at the general election are required, adapting the oath to the circumstances of the town meeting. Persons challenged to take oath

SEC. 4. No person shall be a voter at any town meeting, unless he shall be qualified to vote at general elections, and has been for the last ten days, an actual resident of the town wherein he shall offer to vote. Qualification of voters

SEC. 5. The minutes of the proceedings of every town meeting, subscribed by the clerk of said meeting, and by the judges, shall be filed in the office of the Town Clerk, within two days after such town meeting. Clerk to keep minutes

ARTICLE V.

PROCLAMATIONS.

SEC. 1. Before the electors shall proceed to elect any town officer, proclamation shall be made of the opening of the polls, by the moderator, and proclamation shall in like manner be made at each adjournment, and of the opening and closing of the polls, until the election is ended. Proclamation at opening and closing of the polls.

SEC. 2. The Supervisors, Town Clerk, Assessor, Overseer of the Poor, Collector, Constables and Justices of the Peace, shall be chosen by ballot, all other officers shall be chosen either by yeas and nays, or by dividing the electors, as the electors of the meeting may determine. Manner of voting

SEC. 3. When the electors vote by ballot, all the officers voted for shall be named in one ballot, which shall contain, written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be delivered to one of the Judges so folded as to conceal the contents. Ballots how folded

SEC. 4. When the election is by ballot, a poll list shall be kept by the clerk of the meeting, on which shall be entered the name of each person whose vote shall be received. Poll list

SEC. 5. When the election is by ballot, one of the judges shall deposit the ballots in a box provided for that purpose. Ballot box

SEC. 6. At the close of every election by ballot, the judges shall proceed publicly to canvass the votes, which canvass, when commenced, shall be continued without adjourment or interruption, until the same be completed. Canvass of votes without adjournment

SEC. 7. The canvass shall be conducted by taking a ballot at a time from the ballot box, and continue counting until the number of ballots are equal to the number of names on the poll list, and if there shall be any left in the box, they shall be immediately destroyed, and such person as shall have the greatest number of votes, shall be declared to be elected. If, on the opening the ballots, two or more ballots shall be found to be so folded, that it shall be apparent that the same person voted them, the board shall destroy such votes immediately. Double votes to be destroyed

SEC. 8. The canvass being completed, a statement of the

Clerk to read publicly the result of the election

result shall be entered at length by the clerk of the meeting, in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting, and such reading shall be deemed notice of the result of the election to every person whose name shall have entered on the poll list as a voter.

Clerk to notify persons elected

SEC. 9. The clerk of every town meeting, within ten days thereafter, shall transmit to each person elected to any town office, whose name shall not have been entered on the poll list as a voter, a notice of his election.

ARTICLE VI.

QUALIFICATIONS.

Qualifications

SEC. 1. Any qualified voter at town meetings shall be eligible to any town office.

Officers to take oath

SEC. 2. Every person chosen to the office of Supervisor, Town Clerk, Assessor, Overseer of the Poor, and Collector, before he enters upon the duties of his office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe before any Justice of the Peace, such oath or affirmation of office as is prescribed by law.

To file acceptance

SEC. 3. Such person shall, within eight days thereafter, cause such certificate to be filed in the office of the Town Clerk.

Effect of neglect

SEC. 4. If any person chosen or appointed to either or any of the town offices above enumerated, shall neglect to take and subscribe such oath, and cause the certificate thereof to be filed as above required, such neglect shall be deemed a refusal to serve.

Notice of acceptance to be filed with town clerk

SEC. 5. Every person chosen or appointed to the office of Overseer of Highways or Pound Master, before he enters on the duties of his office, and within ten days after he shall have been notified of his election or appointment, shall cause to be filed in the office of the Town Clerk, a notice signifying his acceptance of such office. A neglect to cause such notice to be filed, shall be deemed a refusal to serve.

Collector to file bond

SEC. 6. Every person chosen or appointed to the office of Collector, before he enters upon the duties of his office, and within eight days after he receives notice of the amount of taxes to be collected by him, shall execute to the Supervisors of the town, and their successor to office, and lodge with him, a bond, with one or more sureties to be approved by such Supervisor, in double the amount of such taxes, conditioned for the faithful execution of his duties as such Collector.

Bond to be filed with register of deeds—effect of

SEC. 7. The Chairman of Town Board shall, within six days thereafter, file such bond, with said approval endorsed thereon, in the office of the Register of Deeds, who shall make an entry thereof in a book to be provided for that purpose, and every such bond shall be a lien on all the real estate, severally, of such Collector within the county, at the time of the filing thereof, and shall continue to be such lien

until its conditions, together with all costs and charges which may accrue to the prosecution thereof, shall be fully satisfied.

Justices of the peace to take oath and file bond

SEC. 8. Every person chosen to the office of Constable, before he enters upon the duties of his office, and within eight days after he shall be notified of his election or appointment, shall take and subscribe the oath of office prescribed by law, and shall execute in the presence of the Supervisor or Town Clerk of the town, with one or more sureties, to be approved by such Supervisor or Town Clerk, an instrument in writing, which such Constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said Constable may become liable to pay on account of any execution or other process which shall be delivered to him for collection, by virtue of his office. Justices of the Peace before entering on the duties of their office, shall take and subscribe an oath, and file a bond, (to be approved by the Supervisor,) with the Clerk of the district, in the penal sum of not less than five hundred dollars, nor more than one thousand dollars, conditioned for the faithful discharge of all his official duties as Justice of the Peace.

Supervisor or town clerk to approve of bond

SEC. 9. The Chairman of the Board of Supervisor's, or Town Clerk, shall, if approved, endorse such approval of such instrument, which shall be his approval of the sureties therein named, and then shall cause the same to be filed in the office of the Town Clerk, a copy of such instrument, certified by the Town Clerk, shall be presumptive evidence in all Courts of the execution thereof by such Constable or Justice and his sureties.

Actions against constables—limitations of

SEC. 10. All actions against a Constable or his sureties, upon such instrument, shall be prosecuted within one year after the expiration of the year for which the Constable named therein shall have been elected or appointed.

Effect of neglect to take oath &c

SEC. 11. If any person chosen or elected to the office of Collector or Constable, shall not give such security and take such oath as is required above, within the time limited for that purpose, such neglect shall be deemed a refusal to serve.

Penalty for refusing to serve

SEC. 12. If any person chosen or appointed to the office of Supervisor, Town Clerk, Assessor or Overseer of the Poor, shall refuse to serve, he shall forfeit to the town five dollars.

Penalty for refusing to serve

SEC. 13. If any person chosen or appointed to the office of Overseers of Highways or Pound Master, shall refuse to serve, he shall forfeit to the town five dollars

Penalty for acting before oath is filed

SEC. 14. If any town officer who is required by law to take the oath of office, shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit to such town the sum of fifty dollars.

SEC. 15. Town officers, except Justices of the Peace and Constables, shall hold their office for one year, and until others

Tenure of officers

are chosen or appointed in their places and are qualified. The Justices of the Peace and Constables, shall hold their offices for two years, or until others are chosen and qualified.

ARTICLE VII.

Vacancies in town offices and the manner of filling them

SECTION 1. Whenever any town shall fail to elect the proper number of town officers to which such town may be entitled by law, or when any person elected to a town office shall fail to qualify as such, or whenever any vacancy shall happen in any town offices, from death, resignation, removal from the town, or other cause, it shall be lawful for the Justice of the Peace of the town, together with the Supervisor and Town Clerk, to fill the vacancy or vacancies occasioned or occurring in consequence of any or either of the causes above specified, by appointment, by warrant under their hands and seals, and the persons so appointed shall hold their offices until others are chosen or appointed in their places, and shall have the same powers, and be subject to the same duties and penalties, as if they had been duly chosen by the electors.

Vacancies—how supplied

SEC. 2. Whenever a vacancy shall occur from any cause, in any or either of the offices enumerated in the foregoing section, composing the board of appointment for the appointing of town officers, in case of vacancy, it shall be lawful for the remaining officers of such appointing board, to fill any vacancy or vacancies thus occurring.

In case of town failing or refusing to organize, how organization to be effected

SEC. 3. In case any town in any county shall refuse or neglect to organize and elect town officers at the time fixed by law for the time of holding annual town meetings, it shall be lawful for twelve freeholders of the town to call a town meeting for the purpose aforesaid, by posting up notices in six public places in such town, giving at least ten days notice of such meeting, which notice shall set forth the time place and object of such meeting. And the electors when assembled by virtue of such notice, shall have and possess all the powers conferred upon them at the annual town meeting. In case no such notice shall be given, as aforesaid, within thirty days after the time for holding the annual town meeting, the Board of Supervisors of the county shall, on the affidavit of any freeholder of said town, filed in the office of the Clerk of the Board, setting forth the facts, proceed, at any regular or special meeting of the board, and appoint the necessary town officers of such town, and the persons so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors of the town.

SEC. 4. The Justices of the Peace of a town may, for sufficient cause shown to them, accept the resignation of any

town officer in their town, and whenever they shall accept any such resignation, they shall forthwith give such notice thereof to the Town Clerk of the town.

Justices of the peace to accept resignations and notify town clerk

ARTICLE VIII.

SECTION 1. The chairman of the Board of Supervisors of each town shall receive and pay over all moneys raised therein for defraying town charges, except those [raised] for the support of highways and bridges. Said Supervisor shall give bond, with one or more sureties, conditioned for the faithful discharge of his duties in relation to the town revenue, such bond to be approved by the Town Clerk, and to be filed in his office, with such approval endorsed thereon. Whenever the Town Clerk shall ascertain that such bond has been forfeited, he shall institute suit in the name and for the use of the inhabitants of the town, against such Supervisor.

Chairman board of supervisors to receive and pay over moneys—supervisors to execute bonds—in case of forfeit town clerk to institute suit

SEC. 2. The said chairman shall prosecute in the name of his town or otherwise, as may be necessary, for all penalties for fifty dollars and under, given by law to such town, or for its use, and for which no other officer is specially directed to prosecute; and no person shall be disqualified from being a witness or juror in such suit by reason of his being an inhabitant of said town.

To sue for penalties &c

SEC. 3. He shall keep a just and true account of the receipts and expenditures of all moneys which shall come into his hands by virtue of his office, in a book to be provided for that purpose, at the expense of the town, and said books to be delivered to his successors in office.

Receipts and expenditures

SEC. 4. On Tuesday preceding the annual town meeting, he shall account with the Justices of the Peace, and Town Clerk of the Town, or a majority of them, for the disbursement of all moneys received by him in his official capacity.

Chairman when to settle

SEC. 5. At every such accounting, the Justices and Town Clerk, or a majority of them, shall enter a certificate in the Supervisor's office book of accounts, showing the state of his accounts at the date of the certificate.

certificate of state of accounts

SEC. 6. The chairman of the Supervisors of each town shall attend the annual meeting of the board of Supervisors of the county, and at every adjourned or special meeting of said board of which he shall have notice.

Chairman to attend meetings

SEC. 7. He shall receive all accounts which may be presented to him against the town, and shall lay them before the board of town auditors at or before their annual meeting.

Accounts against the town

SEC. 8. He shall lay before the board of Supervisors such copies of entries concerning moneys to be raised in his town, as shall be delivered to him by the Town Clerk.

Concerning money

SEC. 9. If any Supervisor shall refuse or shall wilfully neglect to perform any of the duties of the office contained in the preceding Section, he shall forfeit to the town the sum of fifty dollars, and be disqualified to act as the Supervisor of said town.

Penalty for neglect

ARTICLE IX.

Town clerk to file papers

SECTION 1. The Town Clerk of each town in this State shall have the custody of all records, books and papers of the town, and he shall duly file all certificates of oaths and other papers required by law to be filed in his office.

Town clerk to transcribe proceedings of town meetings

SEC. 2. He shall transcribe in the books of record of his town, the Minutes of the proceedings of every town meeting held therein, and he shall enter in his book every order of direction and all rules and regulations of any such town meeting.

Certified copies of all entries of votes for raising money

SEC. 3. He shall deliver to the Chairman of the Board of Supervisors, before the annual meeting of the Board of Supervisors of the county, in each year, certified copies of all entries of votes for raising money made since the last meeting of the Board of Supervisors, and recorded in the town book.

To return names of justices and constables

SEC. 4. The Town Clerk immediately after the election or appointment of any Justice of the Peace, or the qualifying of any Constables [elected] or appointed in their respective towns, shall return to the Clerk of the District Court of their respective counties the names of such Justices and constables.

Penalty for omission

SEC. 5. If any Town Clerk shall wilfully neglect to make such return, such omission is hereby declared a misdemeanor, and on conviction thereof, the person so offending shall be adjudged to pay a fine not exceeding ten dollars.

Copies of records certified by town clerk

SEC. 6. Copies of all articles duly filed in the office of Town Clerk, and transcripts from the book of records, certified by him, shall be evidence in all Courts in like manner as if the originals were produced.

ARTICLE X.

BOARD OF AUDITORS.

How constituted

SEC. 1. In each town, the Town Clerk and Justices of the town shall constitute a Board of Auditors, to examine the accounts of the Overseers of the Poor and the Supervisors of such town, for moneys received and disbursed by them.

When to meet—duties of

SEC. 2. The Board of Auditors of town accounts, shall meet at the Town Clerk's office for the purpose of examining and auditing the town accounts, semi-annually, in their respective towns, on the Tuesday next preceding the annual meeting of the Board of Supervisors, and on the Tuesday next preceding the annual town meeting in April, and such other times as the interest of the town may require.

Subject to inspection—to be produced when

SEC. 3. The accounts so audited, [shall] be delivered, with the certificate of the Auditors, or a majority of them, to the Town Clerk, to be by him kept on file for the inspection of any of the inhabitants of the town; they shall also be produced by the Town Clerk at the next annual meeting, and shall be there read by him.

SEC. 4. The Board of Auditors, composed of the same offi-

cers then in office, shall at the same time and place as in section two, examine and audit all charges and claims against their respective towns, and the compensation of all the town officers, except Supervisors, for county services. To audit compensation of town officers, except supervisors

SEC. 5. The said Board shall make a certificate to be signed by a majority of said Board, specifying the nature of the claim or demand, and to whom the demand is allowed, and shall cause said certificate to be delivered to the Town Clerk of said town, to be by him kept on file for the inspection of any of the inhabitants of said town, and the aggregate amount shall be delivered to the Supervisor, to be by him laid before the Board of Supervisors at their annual meeting. The Board of Supervisors shall cause the amount of said charges to be levied upon the property of said town, and collected as other taxes are levied and collected. The claims and compensation audited and allowed, shall be read to the electors at the next annual meeting, as directed in section three. How paid

ARTICLE XI.

COMPENSATION.

SEC. 1. The following town officers shall be entitled to compensation at the following rates, for each day necessarily devoted by them to the service of the town in the duties of their respective offices: Town officers to receive

SEC. 2. The Town Clerk, Assessor, Overseer of the Poor, and Supervisors, shall receive for their services, one dollar and fifty cents per day, when attending to business out of town, and one dollar for business in their town: *Provided*, That the Town Clerk shall be paid fees for the following, and not a per diem: For serving notices of election upon town officers as required by law, twenty-five cents each; for filing any paper required by law to be filed in his office, ten cents each; for posting up notices required by law, twenty-five cents each; for recording any order, any instrument of writing authorized by law, six cents for each one hundred words; for copying any record in his office and certifying the same, six cents for every one hundred words, to be paid by the person applying for the same: *Provided, further*, That at any town meeting before the electors commenced balloting for officers, they may by resolution, increase the compensation of officers. Fees of town clerk in certain cases—per diem—electors may increase compensation

SEC. 3. The Pound Master shall be allowed the following fees, to wit: for taking into the pound and discharging therefrom, every horse, ass or mule, and all neat cattle, ten cents each; for every sheep or lamb, three cents each; and for every hog, large or small, five [cents,] and twenty cents for keeping each head twenty-four hours in pound. Pound master's fees

ARTICLE XII.

SUITS BETWEEN TOWNS.

SEC. 1. Whenever any controversy or cause of action

Suits between towns &c—how conducted

shall exist between any towns of this State, and between any town and individual or corporation, such proceedings shall be had either at law or equity, for the purpose of trying and settling such controversy, and the same shall be conducted in the same manner, and the judgment or decree therein shall have the like effect as in other suits or proceedings of a similar kind between individuals and corporations.

How brought

SEC. 2. In all such suits and proceedings, the town shall sue and be sued by its name, except where town officers shall be authorized by law to sue in their name of office for the benefit of the town.

Summons when returnable

SEC. 3. But no towns or their officers, shall be required to appear, answer or plead to any such suit or action at the first term of the Court after the commencement thereof; (when the same shall be commenced in the District Court,) unless the process aforesaid shall be served as herein directed, at least thirty days before the commencement of the term.

Duty of supervisor

SEC. 4. In all legal proceedings against the town by name, the first process and all other proceedings required to be served, shall be served on the Supervisor of the town, and whenever any suit or proceeding shall be commenced, it shall be the duty of the Supervisor to attend to the defence thereof, and to lay before the electors of the town at the first town meeting, a full statement of such suit or proceedings, for their direction in regard to the defence thereof.

Competency of citizens of towns suing or sued as witnesses and jurors

SEC. 5. On the trial of every action in which a town will be a party or interested, the electors and inhabitants of such town, shall be competent witnesses and jurors, except that in suits and proceedings by and against towns, no inhabitant of either town shall be a juror.

Suits by town before justices of the peace

SEC. 6. Any action in favor of a town, which if brought by an individual, could be prosecuted before a Justice of the Peace, may be prosecuted in such town in like manner before any such Justices; but no action to recover shall be brought before any of the Justices of the Peace residing in the town for the benefit of which the same is prosecuted, but all such actions may be brought before any one of the Justices of the Peace residing in any other town in the same county.

Measure of damages

SEC. 7. Whenever any action shall be brought to recover a penalty imposed for any trespass committed on the lands belonging to the town, if it shall appear on the trial thereof, that the actual amount of injury to such town lands in consequence of such trespass, exceeds the sum of twelve dollars and fifty cents, then the amount of actual damage with costs of suit, shall be recovered in said action, instead of any penalty for said trespass imposed by the town meeting, and such recovery shall be a bar to every other suit for the same trespass.

SEC. 8. Whenever, by any decree or decision in any suit or proceeding brough to settle any controversy in relation to town commons or other lands, the common property of a town,

or for the partition thereof, the right of any town shall be settled and confirmed, the Court in which such proceedings shall be had, may partition such lands according to right of parties. Power of courts to partition lands

SEC. 9. In all suits or proceedings prosecuted by or against towns, or by or against town officers in their name of office, costs shall be recovered as in like cases between individuals; judgments recovered against a town, or against town officers, in actions prosecuted by or against them in their name of office, shall be a town charge, and when levied and collected, shall be paid to the person or persons to whom the same shall have been adjudged. Costs how recovered—judgments how recovered

ARTICLE XIII.

POUNDS.

SECTION 1. Whenever the inhabitants of any town shall determine at an annual town meeting, to erect one or more pounds therein, the same shall be under the care and direction of such pound masters as shall be chosen or appointed for that purpose. Pounds—may be erected when

SEC. 2. The inhabitants of any town may at any annual town meeting, discontinue any pounds therein. Discontinued—when

SEC. 3. The following shall be deemed town charges:

1st. The compensation of town officers for services rendered their respective towns:

2d. Contingent expenses necessarily incurred for the use and benefit of the town: What constitutes town charges

3d. The moneys authorized to be raised by the vote of the town meeting for any town purpose: and

4th. Every sum directed by law to be raised for any town purpose.

SEC. 4. The moneys necessary to defray the town charges of each town shall be levied on the taxable property in such town, in the manner prescribed in the Act for raising revenue and other money for State and County purposes and expenses. Money—how raised

SEC. 5. Whenever the term of any Supervisor, Town Clerk, or Overseers of the Poor shall expire, and other persons shall be appointed or elected to such offices, it shall be the duty of such successor or successors, immediately after he or they shall have entered on the duties of the offices, to demand of his or their predecessors, all the books and papers under his or their control belonging to such office. Successors of town officers to demand all books and papers of their predecessors

SEC. 6. Whenever either of the officers above named shall resign, or the office become vacant in any way, and another person shall be elected or appointed in his stead, the person so elected or appointed shall make such demand of his predecessors, or of any person having charge of such books and papers. Persons elected or appointed to fill vacancy to demand all books and papers

SEC. 7. It shall be the duty of every person so going out of office, whenever thereto required, pursuant to the fore-

To raise money

4th. To direct such sum to be raised in such town for prosecuting or defending such suit, as they may deem necessary.

Fences

5th. To make all rules and regulations for ascertaining the sufficiency of all fences in such towns, and for impounding animals.

Cattle, horses, &c

6th. To determine the time and manner in which cattle, horses, mules, asses, hogs, sheep, goats, or dogs, shall be permitted to go at large.

To impose penalties

7th. To impose such penalties on persons offending against any rule or regulation established by such town, except such as relate to the keeping and maintaining of fences, as they may think proper, not exceeding ten dollars for each offense.

Penalties how applied

8th. To apply such penalties when collected, in such manner as they may deem most conducive to the interest of such town.

When to be held—notice of &c

SEC. 5. Special town meetings shall be held to supply vacancies in the several cases hereinafter provided for. They shall be held when the Supervisors, Town Clerk and Justices of the Peace, or any two of them, together with at least twelve other freeholders of the town, shall, in writing, file in the office of the Town Clerk, a statement that a special meeting is necessary to the interests of the town, and the Town Clerk, or in case of his absence the Supervisor shall post up notices in five of the most public places in the town, giving at least ten days notice of such special town meeting, and such meeting shall act on no subject that shall not be specified in the notice calling such meeting.

ARTICLE IV.

OF THE METHOD OF CONDUCTING TOWN MEETINGS.

Town meetings—how conducted—who to be clerk—clerk pro tem

SEC. 1. The electors present at any time between nine and ten o'clock in the forenoon of the day of the annual town meeting, or special town meeting, shall be called to order by the Town Clerk, if there be one present, in case there is none present, then the voters may elect, by acclamation, one of their number chairman. They shall then proceed to choose one of their number to preside as moderator of such meeting. The Town Clerk last before elected, shall be clerk of the meeting, and shall keep faithful minutes of its proceedings, in which he shall enter at length, every order or direction, and all rules and regulations made by such meeting. If the Town Clerk be absent, then such person as shall be elected for that purpose, shall act as clerk of the meeting. (1, 2, 3.)

Questions how determined

SEC. 2. All questions upon motions made at town meetings, shall be determined by the majority of the electors voting, and the moderator presiding at said meeting, shall ascertain and declare the result of the votes on each question.

SEC. 3. If any person offering to vote at any election, or upon any question arising at such town meeting, shall be

challenged as an unqualified voter, the judges of the town meeting, shall proceed thereupon in like manner as the judges at the general election are required, adapting the oath to the circumstances of the town meeting. Persons challenged to take oath

SEC. 4. No person shall be a voter at any town meeting, unless he shall be qualified to vote at general elections, and has been for the last ten days, an actual resident of the town wherein he shall offer to vote. Qualification of voters

SEC. 5. The minutes of the proceedings of every town meeting, subscribed by the clerk of said meeting, and by the judges, shall be filed in the office of the Town Clerk, within two days after such town meeting. Clerk to keep minutes

ARTICLE V.

PROCLAMATIONS.

SEC. 1. Before the electors shall proceed to elect any town officer, proclamation shall be made of the opening of the polls, by the moderator, and proclamation shall in like manner be made at each adjournment, and of the opening and closing of the polls, until the election is ended. Proclamation at opening and closing of the polls.

SEC. 2. The Supervisors, Town Clerk, Assessor, Overseer of the Poor, Collector, Constables and Justices of the Peace, shall be chosen by ballot, all other officers shall be chosen either by yeas and nays, or by dividing the electors, as the electors of the meeting may determine. Manner of voting

SEC. 3. When the electors vote by ballot, all the officers voted for shall be named in one ballot, which shall contain, written or printed, or partly written and partly printed, the names of the persons voted for, and the offices to which such persons are intended to be chosen, and shall be delivered to one of the Judges so folded as to conceal the contents. Ballots how folded

SEC. 4. When the election is by ballot, a poll list shall be kept by the clerk of the meeting, on which shall be entered the name of each person whose vote shall be received. Poll list

SEC. 5. When the election is by ballot, one of the judges shall deposit the ballots in a box provided for that purpose. Ballot box

SEC. 6. At the close of every election by ballot, the judges shall proceed publicly to canvass the votes, which canvass, when commenced, shall be continued without adjourment or interruption, until the same be completed. Canvass of votes without adjournment

SEC. 7. The canvass shall be conducted by taking a ballot at a time from the ballot box, and continue counting until the number of ballots are equal to the number of names on the poll list, and if there shall be any left in the box, they shall be immediately destroyed, and such person as shall have the greatest number of votes, shall be declared to be elected. If, on the opening the ballots, two or more ballots shall be found to be so folded, that it shall be apparent that the same person voted them, the board shall destroy such votes immediately. Double votes to be destroyed

SEC. 8. The canvass being completed, a statement of the

To raise money

4th. To direct such sum to be raised in such town for prosecuting or defending such suit, as they may deem necessary.

Fences

5th. To make all rules and regulations for ascertaining the sufficiency of all fences in such towns, and for impounding animals.

Cattle, horses, &c

6th. To determine the time and manner in which cattle, horses, mules, asses, hogs, sheep, goats, or dogs, shall be permitted to go at large.

To impose penalties

7th. To impose such penalties on persons offending against any rule or regulation established by such town, except such as relate to the keeping and maintaining of fences, as they may think proper, not exceeding ten dollars for each offense.

Penalties how applied

8th. To apply such penalties when collected, in such manner as they may deem most conducive to the interest of such town.

When to be held—notice of &c

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challenged as an unqualified voter, the judges of the town meeting, shall proceed thereupon in like manner as the judges at the general election are required, adapting the oath to the circumstances of the town meeting. Persons challenged to take oath

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SEC. 8. The canvass being completed, a statement of the

Clerk to read publicly the result of the election

result shall be entered at length by the clerk of the meeting, in the minutes of its proceedings, to be kept by him as before required, which shall be publicly read by him to the meeting, and such reading shall be deemed notice of the result of the election to every person whose name shall have entered on the poll list as a voter.

Clerk to notify persons elected

SEC. 9. The clerk of every town meeting, within ten days thereafter, shall transmit to each person elected to any town office, whose name shall not have been entered on the poll list as a voter, a notice of his election.

ARTICLE VI.

QUALIFICATIONS.

Qualifications

SEC. 1. Any qualified voter at town meetings shall be eligible to any town office.

Officers to take oath

SEC. 2. Every person chosen to the office of Supervisor, Town Clerk, Assessor, Overseer of the Poor, and Collector, before he enters upon the duties of his office, and within ten days after he shall be notified of his election or appointment, shall take and subscribe before any Justice of the Peace, such oath or affirmation of office as is prescribed by law.

To file acceptance

SEC. 3. Such person shall, within eight days thereafter, cause such certificate to be filed in the office of the Town Clerk.

Effect of neglect

SEC. 4. If any person chosen or appointed to either or any of the town offices above enumerated, shall neglect to take and subscribe such oath, and cause the certificate thereof to be filed as above required, such neglect shall be deemed a refusal to serve.

Notice of acceptance to be filed with town clerk

SEC. 5. Every person chosen or appointed to the office of Overseer of Highways or Pound Master, before he enters on the duties of his office, and within ten days after he shall have been notified of his election or appointment, shall cause to be filed in the office of the Town Clerk, a notice signifying his acceptance of such office. A neglect to cause such notice to be filed, shall be deemed a refusal to serve.

Collector to file bond

SEC. 6. Every person chosen or appointed to the office of Collector, before he enters upon the duties of his office, and within eight days after he receives notice of the amount of taxes to be collected by him, shall execute to the Supervisors of the town, and their successor to office, and lodge with him, a bond, with one or more sureties to be approved by such Supervisor, in double the amount of such taxes, conditioned for the faithful execution of his duties as such Collector.

Bond to be filed with register of deeds—effect of

SEC. 7. The Chairman of Town Board shall, within six days thereafter, file such bond, with said approval endorsed thereon, in the office of the Register of Deeds, who shall make an entry thereof in a book to be provided for that purpose, and every such bond shall be a lien on all the real estate, severally, of such Collector within the county, at the time of the filing thereof, and shall continue to be such lien

until its conditions, together with all costs and charges which may accrue to the prosecution thereof, shall be fully satisfied.

Justices of the peace to take oath and file bond

SEC. 8. Every person chosen to the office of Constable, before he enters upon the duties of his office, and within eight days after he shall be notified of his election or appointment, shall take and subscribe the oath of office prescribed by law, and shall execute in the presence of the Supervisor or Town Clerk of the town, with one or more sureties, to be approved by such Supervisor or Town Clerk, an instrument in writing, which such Constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said Constable may become liable to pay on account of any execution or other process which shall be delivered to him for collection, by virtue of his office. Justices of the Peace before entering on the duties of their office, shall take and subscribe an oath, and file a bond, (to be approved by the Supervisor,) with the Clerk of the district, in the penal sum of not less than five hundred dollars, nor more than one thousand dollars, conditioned for the faithful discharge of all his official duties as Justice of the Peace.

Supervisor or town clerk to approve of bond

SEC. 9. The Chairman of the Board of Supervisors, or Town Clerk, shall, if approved, endorse such approval of such instrument, which shall be his approval of the sureties therein named, and then shall cause the same to be filed in the office of the Town Clerk, a copy of such instrument, certified by the Town Clerk, shall be presumptive evidence in all Courts of the execution thereof by such Constable or Justice and his sureties.

Actions against constables—limitations of

SEC. 10. All actions against a Constable or his sureties, upon such instrument, shall be prosecuted within one year after the expiration of the year for which the Constable named therein shall have been elected or appointed.

Effect of neglect to take oath &c

SEC. 11. If any person chosen or elected to the office of Collector or Constable, shall not give such security and take such oath as is required above, within the time limited for that purpose, such neglect shall be deemed a refusal to serve.

Penalty for refusing to serve

SEC. 12. If any person chosen or appointed to the office of Supervisor, Town Clerk, Assessor or Overseer of the Poor, shall refuse to serve, he shall forfeit to the town five dollars.

Penalty for refusing to serve

SEC. 13. If any person chosen or appointed to the office of Overseers of Highways or Pound Master, shall refuse to serve, he shall forfeit to the town five dollars

Penalty for acting before oath is filed

SEC. 14. If any town officer who is required by law to take the oath of office, shall enter upon the duties of his office before he shall have taken such oath, he shall forfeit to such town the sum of fifty dollars.

SEC. 15. Town officers, except Justices of the Peace and Constables, shall hold their office for one year, and until others

Tenure of officers

are chosen or appointed in their places and are qualified. The Justices of the Peace and Constables, shall hold their offices for two years, or until others are chosen and qualified.

ARTICLE VII.

Vacancies in town offices and the manner of filling them

SECTION 1. Whenever any town shall fail to elect the proper number of town officers to which such town may be entitled by law, or when any person elected to a town office shall fail to qualify as such, or whenever any vacancy shall happen in any town offices, from death, resignation, removal from the town, or other cause, it shall be lawful for the Justice of the Peace of the town, together with the Supervisor and Town Clerk, to fill the vacancy or vacancies occasioned or occurring in consequence of any or either of the causes above specified, by appointment, by warrant under their hands and seals, and the persons so appointed shall hold their offices until others are chosen or appointed in their places, and shall have the same powers, and be subject to the same duties and penalties, as if they had been duly chosen by the electors.

Vacancies—how supplied

SEC. 2. Whenever a vacancy shall occur from any cause, in any or either of the offices enumerated in the foregoing section, composing the board of appointment for the appointing of town officers, in case of vacancy, it shall be lawful for the remaining officers of such appointing board, to fill any vacancy or vacancies thus occurring.

In case of town failing or refusing to organize, how organization to be effected

SEC. 3. In case any town in any county shall refuse or neglect to organize and elect town officers at the time fixed by law for the time of holding annual town meetings, it shall be lawful for twelve freeholders of the town to call a town meeting for the purpose aforesaid, by posting up notices in six public places in such town, giving at least ten days notice of such meeting, which notice shall set forth the time place and object of such meeting. And the electors when assembled by virtue of such notice, shall have and possess all the powers conferred upon them at the annual town meeting. In case no such notice shall be given, as aforesaid, within thirty days after the time for holding the annual town meeting, the Board of Supervisors of the county shall, on the affidavit of any freeholder of said town, filed in the office of the Clerk of the Board, setting forth the facts, proceed, at any regular or special meeting of the board, and appoint the necessary town officers of such town, and the persons so appointed shall hold their respective offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors of the town.

SEC. 4. The Justices of the Peace of a town may, for sufficient cause shown to them, accept the resignation of any

town officer in their town, and whenever they shall accept any such resignation, they shall forthwith give such notice thereof to the Town Clerk of the town.

Justices of the peace to accept resignations and notify town clerk

ARTICLE VIII.

SECTION 1. The chairman of the Board of Supervisors of each town shall receive and pay over all moneys raised therein for defraying town charges, except those [raised] for the support of highways and bridges. Said Supervisor shall give bond, with one or more sureties, conditioned for the faithful discharge of his duties in relation to the town revenue, such bond to be approved by the Town Clerk, and to be filed in his office, with such approval endorsed thereon. Whenever the Town Clerk shall ascertain that such bond has been forfeited, he shall institute suit in the name and for the use of the inhabitants of the town, against such Supervisor.

Chairman board of supervisors to receive and pay over moneys—supervisors to execute bonds—in case of forfeit town clerk to institute suit

SEC. 2. The said chairman shall prosecute in the name of his town or otherwise, as may be necessary, for all penalties for fifty dollars and under, given by law to such town, or for its use, and for which no other officer is specially directed to prosecute; and no person shall be disqualified from being a witness or juror in such suit by reason of his being an inhabitant of said town.

To sue for penalties &c

SEC. 3. He shall keep a just and true account of the receipts and expenditures of all moneys which shall come into his hands by virtue of his office, in a book to be provided for that purpose, at the expense of the town, and said books to be delivered to his successors in office.

Receipts and expenditures

SEC. 4. On Tuesday preceding the annual town meeting, he shall account with the Justices of the Peace, and Town Clerk of the Town, or a majority of them, for the disbursement of all moneys received by him in his official capacity.

Chairman when to settle

SEC. 5. At every such accounting, the Justices and Town Clerk, or a majority of them, shall enter a certificate in the Supervisor's office book of accounts, showing the state of his accounts at the date of the certificate.

certificate of state of accounts

SEC. 6. The chairman of the Supervisors of each town shall attend the annual meeting of the board of Supervisors of the county, and at every adjourned or special meeting of said board of which he shall have notice.

Chairman to attend meetings

SEC. 7. He shall receive all accounts which may be presented to him against the town, and shall lay them before the board of town auditors at or before their annual meeting.

Accounts against the town

SEC. 8. He shall lay before the board of Supervisors such copies of entries concerning moneys to be raised in his town, as shall be delivered to him by the Town Clerk.

Concerning money

SEC. 9. If any Supervisor shall refuse or shall wilfully neglect to perform any of the duties of the office contained in the preceding Section, he shall forfeit to the town the sum of fifty dollars, and be disqualified to act as the Supervisor of said town.

Penalty for neglect

ARTICLE IX.

Town clerk to file papers

SECTION 1. The Town Clerk of each town in this State shall have the custody of all records, books and papers of the town, and he shall duly file all certificates of oaths and other papers required by law to be filed in his office.

Town clerk to transcribe proceedings of town meetings

SEC. 2. He shall transcribe in the books of record of his town, the Minutes of the proceedings of every town meeting held therein, and he shall enter in his book every order of direction and all rules and regulations of any such town meeting.

Certified copies of all entries of votes for raising money

SEC. 3. He shall deliver to the Chairman of the Board of Supervisors, before the annual meeting of the Board of Supervisors of the county, in each year, certified copies of all entries of votes for raising money made since the last meeting of the Board of Supervisors, and recorded in the town book.

To return names of justices and constables

SEC. 4. The Town Clerk immediately after the election or appointment of any Justice of the Peace, or the qualifying of any Constables [elected] or appointed in their respective towns, shall return to the Clerk of the District Court of their respective counties the names of such Justices and constables.

Penalty for omission

SEC. 5. If any Town Clerk shall wilfully neglect to make such return, such omission is hereby declared a misdemeanor, and on conviction thereof, the person so offending shall be adjudged to pay a fine not exceeding ten dollars.

Copies of records certified by town clerk

SEC. 6. Copies of all articles duly filed in the office of Town Clerk, and transcripts from the book of records, certified by him, shall be evidence in all Courts in like manner as if the originals were produced.

ARTICLE X.

BOARD OF AUDITORS.

How constituted

SEC. 1. In each town, the Town Clerk and Justices of the town shall constitute a Board of Auditors, to examine the accounts of the Overseers of the Poor and the Supervisors of such town, for moneys received and disbursed by them.

When to meet—duties of

SEC. 2. The Board of Auditors of town accounts, shall meet at the Town Clerk's office for the purpose of examining and auditing the town accounts, semi-annually, in their respective towns, on the Tuesday next preceding the annual meeting of the Board of Supervisors, and on the Tuesday next preceding the annual town meeting in April, and such other times as the interest of the town may require.

Subject to inspection—to be produced when

SEC. 3. The accounts so audited, [shall] be delivered, with the certificate of the Auditors, or a majority of them, to the Town Clerk, to be by him kept on file for the inspection of any of the inhabitants of the town; they shall also be produced by the Town Clerk at the next annual meeting, and shall be there read by him.

SEC. 4. The Board of Auditors, composed of the same offi-

ers then in office, shall at the same time and place as in section two, examine and audit all charges and claims against their respective towns, and the compensation of all the town officers, except Supervisors, for county services. To audit compensation of town officers, except supervisors

SEC. 5. The said Board shall make a certificate to be signed by a majority of said Board, specifying the nature of the claim or demand, and to whom the demand is allowed, and shall cause said certificate to be delivered to the Town Clerk of said town, to be by him kept on file for the inspection of any of the inhabitants of said town, and the aggregate amount shall be delivered to the Supervisor, to be by him laid before the Board of Supervisors at their annual meeting. The Board of Supervisors shall cause the amount of said charges to be levied upon the property of said town, and collected as other taxes are levied and collected. The claims and compensation audited and allowed, shall be read to the electors at the next annual meeting, as directed in section three. How paid

ARTICLE XI.

COMPENSATION.

SEC. 1. The following town officers shall be entitled to compensation at the following rates, for each day necessarily devoted by them to the service of the town in the duties of their respective offices: Town officers to receive

SEC. 2. The Town Clerk, Assessor, Overseer of the Poor, and Supervisors, shall receive for their services, one dollar and fifty cents per day, when attending to business out of town, and one dollar for business in their town: *Provided*, That the Town Clerk shall be paid fees for the following, and not a per diem: For serving notices of election upon town officers as required by law, twenty-five cents each; for filing any paper required by law to be filed in his office, ten cents each; for posting up notices required by law, twenty-five cents each; for recording any order, any instrument of writing authorized by law, six cents for each one hundred words; for copying any record in his office and certifying the same, six cents for every one hundred words, to be paid by the person applying for the same: *Provided, further*, That at any town meeting before the electors commenced balloting for officers, they may by resolution, increase the compensation of officers. Fees of town clerk in certain cases—per diem—electors may increase compensation

SEC. 3. The Pound Master shall be allowed the following fees, to wit: for taking into the pound and discharging therefrom, every horse, ass or mule, and all neat cattle, ten cents each; for every sheep or lamb, three cents each; and for every hog, large or small, five [cents,] and twenty cents for keeping each head twenty-four hours in pound. Pound master's fees

ARTICLE XII.

SUITS BETWEEN TOWNS.

SEC. 1. Whenever any controversy or cause of action

Suits between towns &c—how conducted

shall exist between any towns of this State, and between any town and individual or corporation, such proceedings shall be had either at law or equity, for the purpose of trying and settling such controversy, and the same shall be conducted in the same manner, and the judgment or decree therein shall have the like effect as in other suits or proceedings of a similar kind between individuals and corporations.

How brought

SEC. 2. In all such suits and proceedings, the town shall sue and be sued by its name, except where town officers shall be authorized by law to sue in their name of office for the benefit of the town.

SEC. 3. But no towns or their officers, shall be required to appear, answer or plead to any such suit or action at the first term of the Court after the commencement thereof; (when the same shall be commenced in the District Court,) unless the process aforesaid shall be served as herein directed, at least thirty days before the commencement of the term.

Summons when returnable

SEC. 4. In all legal proceedings against the town by name, the first process and all other proceedings required to be served, shall be served on the Supervisor of the town, and whenever any suit or proceeding shall be commenced, it shall be the duty of the Supervisor to attend to the defence thereof, and to lay before the electors of the town at the first town meeting, a full statement of such suit or proceedings, for their direction in regard to the defence thereof.

Duty of supervisor

SEC. 5. On the trial of every action in which a town will be a party or interested, the electors and inhabitants of such town, shall be competent witnesses and jurors, except that in suits and proceedings by and against towns, no inhabitant of either town shall be a juror.

Competency of citizens of towns suing or sued as witnesses and jurors

SEC. 6. Any action in favor of a town, which if brought by an individual, could be prosecuted before a Justice of the Peace, may be prosecuted in such town in like manner before any such Justices; but no action to recover shall be brought before any of the Justices of the Peace residing in the town for the benefit of which the same is prosecuted, but all such actions may be brought before any one of the Justices of the Peace residing in any other town in the same county.

Suits by town before justice of the peace

SEC. 7. Whenever any action shall be brought to recover a penalty imposed for any trespass committed on the lands belonging to the town, if it shall appear on the trial thereof, that the actual amount of injury to such town lands in consequence of such trespass, exceeds the sum of twelve dollars and fifty cents, then the amount of actual damage with costs of suit, shall be recovered in said action, instead of any penalty for said trespass imposed by the town meeting, and such recovery shall be a bar to every other suit for the same trespass.

Measure of damages

SEC. 8. Whenever, by any decree or decision in any suit or proceeding brough to settle any controversy in relation to town commons or other lands, the common property of a town,

or for the partition thereof, the right of any town shall be settled and confirmed, the Court in which such proceedings shall be had, may partition such lands according to right of parties. Power of courts to partition lands

SEC. 9. In all suits or proceedings prosecuted by or against towns, or by or against town officers in their name of office, costs shall be recovered as in like cases between individuals; judgments recovered against a town, or against town officers, in actions prosecuted by or against them in their name of office, shall be a town charge, and when levied and collected, shall be paid to the person or persons to whom the same shall have been adjudged. Costs how recovered—judgments how recovered

ARTICLE XIII.

POUNDS.

SECTION 1. Whenever the inhabitants of any town shall determine at an annual town meeting, to erect one or more pounds therein, the same shall be under the care and direction of such pound masters as shall be chosen or appointed for that purpose. Pounds—may be erected when

SEC. 2. The inhabitants of any town may at any annual town meeting, discontinue any pounds therein. Discontinued—when

SEC. 3. The following shall be deemed town charges:

1st. The compensation of town officers for services rendered their respective towns:

2d. Contingent expenses necessarily incurred for the use and benefit of the town: What constitutes town charges

3d. The moneys authorized to be raised by the vote of the town meeting for any town purpose: and

4th. Every sum directed by law to be raised for any town purpose.

SEC. 4. The moneys necessary to defray the town charges of each town shall be levied on the taxable property in such town, in the manner prescribed in the Act for raising revenue and other money for State and County purposes and expenses. Money—how raised

SEC. 5. Whenever the term of any Supervisor, Town Clerk, or Overseers of the Poor shall expire, and other persons shall be appointed or elected to such offices, it shall be the duty of such successor or successors, immediately after he or they shall have entered on the duties of the offices, to demand of his or their predecessors, all the books and papers under his or their control belonging to such office. Successors of town officers to demand all books and papers of their predecessors

SEC. 6. Whenever either of the officers above named shall resign, or the office become vacant in any way, and another person shall be elected or appointed in his stead, the person so elected or appointed shall make such demand of his predecessors, or of any person having charge of such books and papers. Persons elected or appointed to fill vacancy to demand all books and papers

SEC. 7. It shall be the duty of every person so going out of office, whenever thereto required, pursuant to the fore-

going provisions, to deliver upon oath, all the records, books and papers in his possession, or in his control, belonging to the office held by him; which oath may be administered by the officer to whom such delivery shall be made. It also shall be the duty of every Supervisor, and Overseer of the Poor, so going out of office, at the same time, to pay over to such successor the balance of moneys remaining in his hands, as ascertained by the auditors of town accounts.

The duty of town officers going out of office

Duty of, with regard to books and papers

Sec. 8. Upon the death of any of the officers enumerated, the successor of such officer shall make such demand as above provided, of the executors or administrators of such deceased officer, and it shall be the duty of such executors or administrators to deliver upon the like oath, all records, books and papers in their possession, or under their control, belonging to the office held by their testator or intestate.

ARTICLE XIV.

POWERS OF COUNTIES.

Powers of counties defined

Sec. 1. Each county as a body corporate, has capacity—

1. To sue and be sued in the manner provided by law.

2. To purchase and hold lands within its own limits, and for the use of said county, to the power of the Legislature over the same.

3. To make such contracts, and to purchase and hold such personal property as may be necessary to the exercise of its corporate and administrative powers; and

4. To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interests of its inhabitants.

Limitation of power

Sec. 2. No county, under this organization, shall possess or exercise any corporate powers except such as are enumerated under this Act, or shall be specially given by law, or shall be necessary to the exercise of the powers so enumerated or given.

Proceedings by or against a county in whose name—conveyances of land

Sec. 3. All acts or proceedings by or against a county in its corporate capacity, shall be in the name of the Board of Supervisors of such county, but every conveyance of land within the limits of such county made in any manner for the use and benefit of its inhabitants, shall have the same effect as if made to the Board of Supervisors.

How executed

Sec. 4. The powers of a county as a body politic can only be exercised by the Board of Supervisors thereof, or in pursuance of a resolution by them adopted.

ARTICLE XV.

MEETING OF SUPERVISORS.

Board of supervisors how constituted—Special meetings—power to adjourn

Sec. 1. The Chairman of the Board of Supervisors of the several towns of the counties of this State, shall meet annually in their respective counties, for the dispatch of business, as a Board of Supervisors. They may also hold special meetings, at such times and places as they may find convenient,

and shall have power to adjourn from time to time as they may deem necessary

Annual meetings when held

SEC. 2. The annual meetings of the Board of Supervisors shall be holden on the second Tuesday in September, in each and every year, at the County Seat, and if the Court House be deemed convenient, to be held therein.

How effected

SEC. 3. The Board of Supervisors at their first meeting in every year, shall organize by choosing one of their number as Chairman, who shall preside at all meetings of the Board during the year. In case of his absence at any meeting, the members present shall choose one of their number as temporary Chairman.

Power of board of supervisors

SEC. 4. The Board of Supervisors of each county in the State, shall have power at their annual meetings, or at any other meetings—

1. To make all such orders concerning the corporate property of the county, as they may deem expedient.

2. To audit all accounts chargeable against such county, and to direct the raising of such sums as may be necessary to defray the same.

3. To audit the accounts of town officers and other persons, against their respective towns, as are not otherwise provided for, and to direct the raising of such sums as may be necessary to defray the same.

4. To appropriate funds to aid in the construction of roads and bridges in any part of their respective counties, whenever a majority of the whole Board of the county may deem it proper and expedient.

A majority to constitute a quorum

SEC. 5. A majority of the Supervisors of any county shall constitute a quorum for the transaction of business, and all questions which shall arise at meetings, shall be determined by the votes of the majority of the Supervisors present, except in such cases as are otherwise provided.

Open doors

SEC. 6. The Board of Supervisors shall sit with open doors, and all persons may attend their meetings.

Chairman to administer oaths

SEC. 7. Every Chairman of the Board of Supervisors shall have power to administer an oath to any person concerning any matter submitted to the Board, or connected with their powers and duties.

Board of supervisors have power to appoint clerk—qualifications

SEC. 8. The several Boards of County Supervisors in this State, shall have power to appoint the Clerk of their Board, who shall hold their office until the next general election, and until their successors are elected and qualified; *Provided*, that it shall be optional with the Board of Supervisors in any county, to appoint as such Clerk, some person other than the Register of Deeds, who shall have the qualifications of an elector, and be a resident of the county.

To give bond and take oath

SEC. 9. Such Clerk, when elected, shall hold his office for two years, and shall give such bond as the County Board shall demand, and take such oath of office as they may require.

Said Clerks so appointed and elected, shall hereafter per-

Liabilities

form all of the duties heretofore required of the Register of Deeds, as Clerks of the Board of County Supervisors, and they shall be subject to the same liabilities, and for failure to perform said duties and for malfeasance in office.

Keep account current with treasurer

All Clerks of the County Board shall keep accounts current with the Treasurers of their several counties. They shall charge the Treasurers with all moneys paid into the Treasury, and credit them with all moneys paid out of the Treasury. All payments into and out of the Treasury shall be made on the warrant of said Clerk, who shall keep a duplicate copy thereof. The Clerk may audit and give his warrant for demands against the county, the amount of which is fixed by law, and shall draw his warrant for all claims audited and allowed by the County Board. All Clerks of the several County Boards hereafter elected, shall be styled "County Auditors:" *Provided*, That it shall be the duty of the Register of Deeds, after the passage of this Act, in all cases, on demand, to deliver over to the Board of Supervisors, all books, records, documents, tax rolls, tax lists, reports and papers, in his office, in any way pertaining or relating to taxes or tax sales of his county, together with all moneys by him collected for or on account of taxes; and the same shall be delivered under oath and certified by the Register of Deeds.

To be styled county auditor

Register of deeds to deliver to board of supervisors all books, records &c under oath

To be deposited with register of deeds

SEC. 10. The books, records and accounts of the Board of Supervisors, shall be deposited with the Register of Deeds, and shall be open without reward, to the examination of all persons.

Clerk to designate upon accounts amount allowed by board

SEC. 11. It shall be the duty of the Clerk to designate upon every account upon which any sum shall be audited and allowed by the Board, and the charges for which the same was allowed, and he shall deliver to any person who may demand it, a certified copy of any account on file in his office, on receiving from such person five cents for every one hundred words contained in said copy.

Clerk to deliver certified copies

How taxes to be raised for county buildings

SEC. 12. Whenever a majority of the Board of County Supervisors in each or any of the organized counties of the State of Minnesota shall deem it expedient for the convenience and interest of their respective counties, that a tax should be levied upon the real and personal property of said county for the purpose of erecting a Court House, Jail, or other and all county buildings, within or at the County Seat of said county, they shall issue a proclamation of the same by publishing in the county paper, if there be one, if not, by posting up notices in three of the most public places in each organized town of said county, at least sixty days before the time of holding any general election or annual town meeting in said county.

Electors to vote for or against tax

SEC. 13. Said proclamation shall distinctly specify the amount to be raised by tax, the purpose for which such tax is assessed, and shall also specify the particular building or buildings to be built, for which such appropriation is to be

made. It shall also authorize all the male inhabitants of the county thereof, having the qualifications of electors of the State of Minnesota, to meet at the next general election or annual town meeting thereafter, and by ballot, to vote for or against the levying tax for the erection of county buildings in their respective counties.

Election for levying tax—how conducted

Sec. 14. Said election shall be conducted in the same manner and at the same time, as the election for town and county officers, and the form of ballot shall be, "For tax to build County Buildings, yes;" or "For tax to build County Buildings, no;" which ballot shall be canvassed in the same manner as the ballots for the election of town and county officers, and a return thereof, certified by the Board of Election in each town, shall be made within ten days thereafter to the Register of Deeds in and for said county, or at the expiration of ten days from the time of holding said election, proceed to canvass said returns in a manner as prescribed by law for the canvass of returns of other elections, and shall make a report of the results thereof to the Chairman of the Board of County Supervisors.

Return

Tax—how assessed and collected

Sec. 15. If a majority of all the votes cast shall be found to be against the levying a tax for the erection of County Buildings, no tax shall be levied, nor shall the question again be submitted to a vote for the period of one year; but if a majority of all votes cast shall be found to be in favor of the levying a tax for the erection of County Buildings, the Board of County Supervisors shall proceed to levy a tax upon all the real and personal property of said county, in the manner prescribed by law, for the purposes described in the before mentioned proclamation; *Provided*, said tax shall not exceed the amount specified in said proclamation. Said tax to be assessed and collected in the same manner as the tax for County and State purposes.

Supervisors to take care of the poor and poor house—compensation of overseer

Sec. 16. It shall be the duty of the Board of Supervisors to take charge of the poor, and the management of the Poor House, in their respective counties that is given to the County Supervisor's Court, and the Overseers of the Poor of the several towns shall be accountable to, and their compensation shall be audited by the Board of Supervisors, and paid by the county.

Board to audit Compensation

Sec. 17. Each member of the Board of Supervisors shall be allowed a compensation for his services and expenses in attending the meeting of the Board, or for attending to any other business for the benefit of the town or county, at the rate of one dollar and fifty cents per day, to be audited by the Board, and paid by the county.

Penalty for neglect of duty

Sec. 18. If any Supervisor shall wilfully refuse or neglect to perform any of the duties which are or shall be required of him by law, as a member of the Board of Supervisors, he shall, for every such offense, forfeit the sum of two hundred dollars.

ARTICLE XVI.

Treasurer when elected—qualification—to file acceptance and give bond—to render account

SECTION 1. That there shall be elected on the second Tuesday in October, one thousand eight hundred and fifty-nine, and thereafter biennially by the qualified voters of each county, some suitable person being a resident and qualified voter of the same county, to be county treasurer from the first day of February next succeeding his election, to continue in office two years, and until his successor is elected and qualified; the present county treasurers shall remain in office until their successors are elected and qualified, but each treasurer thus holding over under an election had in 1857, or under appointment, shall, on the first Monday of January, 1859, renew his oath of office, and execute a new bond to the county board of his county, subject to the approval of said board, and every person elected or appointed to the office of County Treasurer, shall, within ten days after he is notified of his election or appointment, file in the office of Register of Deeds, and before he enters upon the duties of his office shall give bond to the Board of Supervisors of the county, with two or more sufficient sureties, to be approved by the Board of Supervisors, and in such sum as they shall direct, conditioned that such person shall faithfully execute the duties of his office, and shall pay, according to law, all moneys which shall come to his hands as Treasurer, and render a just and true account thereof to the Board of Supervisors, or to the Auditor of public accounts of this State, when thereupon required.

Bond to be recorded—certified copy of bond to be sent to auditor—to be lien on real estate

SEC. 2. Such bond, when approved by the Board of Supervisors, shall be entered upon the records and filed in the office of the Register of Deeds. Said Register of Deeds shall forward a certified copy thereof to the State Auditor, who shall file the same in his office, and such copy shall have the same force and effect as the original bond. County Treasurers' bonds shall be a lien against their real estate.

To receive and disburse moneys

SEC. 3. It shall be the duty of the County Treasurer to receive all moneys belonging to the county, from whatever source they may be derived, and all moneys belonging to the State, which by law are directed to be paid to him, and to pay and apply such moneys in the manner required by law.

To keep accounts

SEC. 4. The County Treasurer shall keep a just and true account of the receipts and expenditures of all moneys, in a book or books to be kept for that purpose, which books shall be provided at the expense of the county.

Treasurer to collect and settle with the auditor

SEC. 5. The County Treasurer, on receiving the delinquent tax lists from the several town collectors, shall proceed in all respects as was required by the State [Territorial] Statutes of the Register of Deeds in the manner of collecting said taxes, advertising the land and making sale thereof, and shall account for and pay over the State tax in like manner as herein-

before required of the sheriff or collector, and for said services the treasurer shall receive the like compensation as has been allowed to said sheriff or collector. And within twenty days after the close of any sale of lands for unpaid taxes, said treasurer shall deliver to the auditor of his county, attested under oath, a full statement of the lands sold, and the amount for which said lands were sold, together with all assessment rolls, or tax books or delinquent lists returned by the town collectors.

Treasurer to exhibit to board of supervisors

SEC. 6. At the annual meeting of the Board of Supervisors, or such other times as they shall direct, the County Treasurer shall exhibit to them all his books and accounts, and all vouchers relating to the same to be credited and allowed.

How to be made

SEC. 7. Upon the death, resignation or removal from office of any County Treasurer, all the books and papers belonging to his office shall be delivered to his successor in office, upon his oath, or in case of his death upon the oath of his executors or administrators. In case such treasurer shall have left the county, a demand may be made of any one having charge of the books or papers belonging to said office, shall surrender them up, and on oath if required.

Penalty for refusal

SEC. 8. If any sueh preceding County Treasurer, or in case of his death, if his executors or administrators shall refuse or neglect to deliver such books, papers and moneys upon oath, when lawfully required or demanded, every such person shall forfeit for the use of the county, the sum of one thousand dollars.

Treasurer to receive commission

SEC. 9. The County Treasurers shall be allowed in their settlement with the Auditor, for receiving the State tax from the town collectors and paying the same into the State Treasury, adjusting the accounts of said town collectors, correcting non-resident lists, charge a commission of one per cent. when the amount does not exceed ten thousand dollars, and a half of one per cent. on all received from town collectors over that amount.

To be prosecuted for failure to pay over

SEC. 10. Whenever any County Treasurer shall fail or refuse to pay over the county revenue, the Board of Supervisors shall cause suit to be prosecuted on his bond, and the Auditor shall have the same power to prosecute suit against the County Treasurers, on the copy of the bonds, as is allowed by law for prosecuting suits against County Collectors.

How appropriated

SEC. 11. All monoys recovered in any such actions shall be paid or appropriated for the use contemplated or directed by law.

ARTICLE XVII.

OF THE PLAN BY WHICH PROPERTY IS TO BE ASSESSED.

Assessment—when to be made

SECTION 1. Every person shall be assessed in the town where he resides for all lands owned by him in such town. All lands owned by any person which are not situated in

the town where such owner may reside, shall be taxed as non-resident as hereinafter provided.

How assessed

SEC. 2. Every person shall be assessed in the town where he resides, where the assessment is made, for all personal estate owned by him, including all such personal estate in his possession or under his control as trustee, guardian, executor or administrator, and in no case shall property held under either of these trusts, be assessed to any other person.

How assessed—companies to be taxed—stage companies

SEC. 3. The real estate of all incorporated companies liable to taxation, shall be assessed in the town where the same shall lie in the same manner as the real estate of individuals. All the capital stock of any incorporated company liable to taxation, shall be assessed in the town where the principal office of said company is located or business transacted. In case of toll bridges, the company owning such bridge shall be assessed in the town where the tolls are collected. The horses and stages of stage companies shall be taxed in the town where they are usually kept.

ARTICLE XVIII.

AUDITORS BOOKS—LIST OF TAXABLE PROPERTY.

Clerk of county board to procure blanks or books for assessors—expense of such books paid by county—clerk to present assessor with list of taxable property

SECTION 1. It shall be the duty of the Clerk of the County Board in each county to procure or prepare, in conformity with the instructions he may from time to time receive from the State Auditor, blanks or books properly ruled, with suitable heading, for the use of the assessors of the several towns in his county, a suitable number of which shall always be ready for the assessors throughout the county, and each assessor shall be supplied with the same before the first day of June in each year. The expense of purchasing the same shall be audited by the county board and paid by the county. He shall also present each assessor with a list of all taxable lands within their respective towns, that have not been before furnished.

Time and manner of making

SEC. 2. Between the first days of June and July in each year, the Assessor shall proceed to ascertain by diligent inquiry, the names of all the taxable inhabitants in his town, and also the taxable property, real or personal, within the same, and he shall set down in separate columns, as headed, the number or quantity and value of each article of taxable ble property, according to the best of his information and judgment.

Persons aggrieved how relieved

SEC. 3. The Assessor shall complete the assessment on or before the first Tuesday in July in each year, and shall on that day meet with the Town Clerk and Supervisors at the [office] of the Town Clerk, and, on the application of any person aggrieved, they shall review the assessment, and if the board, or a majority of them, think it advisable, they may reduce the assessment of such person, and in such case the Assessor shall correct his list. *Proided*, That in counties not yet assessed by Township Assessors, assessments may

be made in any month under the direction of the Clerk of the Board of Supervisors during the year, and when so made shall be legal and binding as in other cases.

Form of certificate

SEC. 4. After the assessment roll is corrected, according to Section three of this article, the assessor shall attach thereto and sign a certificate in the following form:

"I hereby certify that I have set down in the above assessment roll, all the real and personal estate situated in the town (or district as the case may be) according to my best information, and that I have estimated the true value thereof, according to the best of my judgment and belief."

Instructions and forms

SEC. 5. The Assessors, in the execution of their duties, shall use forms and pursue the instructions which shall from time to time be transmitted to them by the State Auditor or Clerk of the County Board.

Time of return

SEC. 6. In assessing lands and town lots, the Assessor shall assess each lot and each section, and as far as practicable, each government subdivision of a section by itself, and shall return the assessment roll, certified, to the Clerk of the County Supervisors, on or before the first day of September in each year.

Clerk to correct errors—clerk to copy assessment roll for county board—compensation for such co

SEC. 7. The clerk, upon the receipt of the several assessment rolls, shall compare the same with the list of taxable lands on file in his office, correcting all errors that he may discover and add to the roll of the proper town the name of the owner, if known, and the description of all such lands as have been omitted by the assessors which are liable to taxation. He shall then make a fair copy of the several assessment rolls; which copy, with the original, shall be laid before the county board, at their annual meeting in each year; for which services the clerk shall be allowed one cent for each tract of land, and one cent for each person's name, and valuation of personal property contained in said rolls.

Penalty for neglect of assessor

SEC. 8. If any assessor shall willfuljy neglect or refuse to perform any of the duties required of him by this Act, he shall forfeit to the county the sum of twenty-five dollars.

ARTICLE XIX.

OF THE EQUALIZATION OF ASSESSMENTS AND THE CORRECTION OF THE ASSESSMENT ROLLS.

Board of supervisors to equalize assessment—make alterations in description of lands of non-residents

SEC. 1. The Board of Supervisors of each county, at their annual meeting, shall examine the Assessment Rolls of the several towns in their county, for the purpose of ascertaining whether the valuations in one town or district bear a just relation to all the towns or districts in the county, and they may increase or diminish the aggregate valuation of real estate in any town or district, by adding or deducting such sums as may in their opinion, be necessary to produce a just relation between the valuation of real estate in the county;

but they shall in no instance, reduce the aggregate valuations of all the towns and districts below the aggregate valuation thereof as made by the assessor. They may make such alterations in the descriptions of lands of non-residents as they may deem necessary, and they shall assess the value of all such lands as have been omitted by the Assessor, and listed by the Clerk, and cause the same to be placed opposite the description of said lands in a column for that purpose.

Board of supervisors to fix a rate of assessment—correct the assessment roll and endorse it—town clerk to call on county clerk for roll

SEC. 2. They shall, at their annual meeting, fix upon a certain rate on the hundred dollars, to be levied upon the taxable property, both real and personal, in their respective counties for county purposes, which they shall cause to be entered on their record. They shall carefully compare the copy made by the Clerk with the original assessment roll; and when so compared and corrected, they shall cause taxes to be extended on the copy. They shall also cause to be endorsed on the original assessment roll the amount per cent. levied on each hundred dollars of valuation, as taxes thereon, under the hand of their Chairman, attested by the Clerk and the seal of the county; which roll shall remain in the County Clerk's office until the month of March thereafter. The Town Clerk shall call on the County Clerk during the month of March, in each year, for said roll of the previous year, of their [respective towns, which rolls they shall file in their] respective offices for the use of the town.

Separate valuations—aggregate valuations—certificate to be sent to auditor of state

SEC. 3. They shall cause to be estimated and set down in a separate column for that purpose, in the copied assessment roll, opposite the several sums set down as valuations of real and personal estate, the respective sums in dollars and cents, to be paid as a tax thereon. They shall also cause to be added up and set down, the aggregate valuation of the real and personal estate, in the several towns and districts, as corrected by them, and the County Clerk shall transmit to the State Auditor, by mail, a certificate of such aggregate valuation, showing separately the aggregate valuation of real and personal estate, and the amount of State and County tax.

When delivered to collector

SEC. 4. The Board of County Supervisors shall cause the copied and corrected assessment roll of each town or district in their respective counties, with the taxes extended thereon, to be delivered to the Collector of such town or district, on or before the fifteenth day of November in each year.

Warrant for collection of tax how made and delivered

SEC. 5. To each assessment roll so delivered to a Collector, a warrant, under the hand and seal of the Chairman of the Board of Supervisors, attested by the County Clerk, shall be annexed, commanding such Collector to collect from the several persons named in the assessment roll, the several sums mentioned in the last column of such roll, opposite their respective names. The warrant directed to the Collector of a town shall direct the Collector, out of the moneys to be collected, after deducting the compensation which he may be

legally entitled to, which compensation shall be three per cent. on the hundred dollars of tax, to pay over to the Chairman of the Board of Supervisors the amount of tax collected for the support of highways and bridges, and to the County Treasury, the State and County tax collected by them. The County Treasurer shall pay over to the proper officers, the amount of tax collected by them on delinquent and non-residents estate.

Collector—how to proceed in case of neglect or refusal to pay tax

SEC. 6. In all cases, the warrant shall authorize the Collector, in case any person named in such assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods [and] chattels of such person, and it shall require payment thereon specified to be made by such Collector, before the fifteenth day of February next, in gold or silver coin.

Chairman of board and clerk to account to treasurer

SEC. 7. The Chairman of the Board of Supervisors, and Clerk, as soon as the assessment rolls have been delivered to the several Collectors, with such warrant annexed, shall transmit, under their hands and seals, to the Treasurer of the County, an account thereof, stating the names of the several Collectors, the amount they are respectively to collect, the purpose for which the same are to be collected, and the person to whom, and the times when, the same are to be paid, and the County Treasurer on receiving such accounts, shall charge to such Collector the sum to be collected by him.

ARTICLE XX.

OF THE MANNER IN WHICH TAXES ARE TO BE COLLECTED, AND THE DUTIES OF COLLECTORS.

Mode of collection—In case of refusal to pay—distress

SEC. 1. Every Collector, on receiving the tax list and warrant, shall proceed to collect the taxes therein named, and for that purpose, shall call at least once on the person taxed, or at his or her place of residence, and demand payment of the taxes charged to him on his property. In case any person shall refuse or neglect to pay the tax imposed on him, the Collector shall levy the same by distress and sale of goods and chattels of the person who ought to pay the same.

Notice of sale

SEC. 2. The Collector shall give public notice of the time and place of sale, and of the property to be sold, at least ten days previous to the sale, by advertisement, to be posted up in at least three public places in the town where such sale is to be made. The sale shall be by public auction.

How disposed of

SEC. 3. If the property distrained shall be sold for more than the amount of taxes, the surplus shall be returned to the person in whose possession such property was when the distress was made.

On removal &c Tax how collected

SEC. 4. In case any person upon whom any tax shall be assessed, under the provisions of this Act, in any town or district, shall have removed out of such town or district, after

such assessment and before payment of such tax, it shall be lawful for the Collector of the town where such tax was assessed, to levy and collect such tax of the goods and chattels of the person assessed, in any town or district in this State to which [the] person may have removed, or in which he may reside.

Collector to pay over to treasurer, collector to retain compensation—duplicate receipts for moneys paid over

SEC. 5. Every Collector shall pay over, within one week after the time mentioned in his warrant for paying the moneys directed to be paid to the town officer of his town, and to the County Treasurer, the sums required in such warrant to be paid to them respectively, retaining the compensation to which he may be legally entitled. The town officers to whom any moneys shall be paid, shall deliver to the Collector duplicate receipts therefor, one of which shall be filed by the Collector with the County Treasurer, which shall be to the credit of the Collector, and no other evidence of such payment shall [be required] by the Treasurer.

Duty of collector—to make oath when—to what

SEC. 6. If any of the taxes entered in his tax bill shall remain unpaid, and the Collector shall not be able to collect the same in the time required by his warrant, he shall then deliver to the County Treasurer his tax book, and a list of such taxes due and unpaid, and on making oath before the County Treasurer, or in his absence, before a Justice of the Peace, that the sums named in said list remaining unpaid, and that he has not, upon diligent inquiry, been able to find any goods or chattels belonging to the person liable to pay such taxes, whereon he could levy the same, he shall be credited by the Treasurer the amount thereof, and the Treasurer shall give the Collector a receipt thereof.

Vacancies in office of collector—how filled

SEC. 7. If any person chosen or appointed to the office of Collector of any town or district, shall refuse to serve or shall die or resign, or the office become vacated in any other way, before he shall have entered on or completed the duties of his office, or shall be in any way disabled from completing the same, the Supervisors and Justices of such town or district, or any two of them, shall forthwith appoint a Collector for the remainder of the year, who shall be subject to like penalties, and have the same powers and compensation as the Collector in whose place he was appointed, and the Town Clerk shall forthwith give notice of such appointment to the County Treasurer. But such appointment shall not relieve the former Collector from any liability incurred by him.

Warrant in case of appointment—when prior warrant can not be obtained—how collector to proceed

SEC. 8. If any warrant shall have been issued, as by law provided, prior to any appointment under the last section, the original warrant, if it can be obtained, shall be delivered to the Collector so appointed, and shall be considered as giving him the same powers as if originally issued to him. But if such warrant cannot be obtained, a new one shall be made out in the same manner as the original was, and upon every such appointment, the Supervisor of such town may extend the time for collection, not exceeding thirty days, if he shall

think it necessary, of which extension, he shall forthwith give notice to the County Treasurer. The collector so appointed, shall keep an account of all collections made by the former Collector, so far as he can ascertain the same, and when any one shall present a receipt for taxes paid to the former Collector, he shall mark against the amount of taxes so paid, to whom paid, and the time when paid.

Duties of treasurer in case of neglect or refusal of collector to pay over money

SEC. 9. If any Collector shall refuse or neglect to pay over the sums required by his warrant, to the proper person, or account for the same as unpaid, the County Treasurer shall, within twenty days after the time when such payments ought to have been made, issue a warrant under his hand and seal directed to the Sheriff of the county, commanding him to levy such sums as shall remain unpaid and unaccounted for by such Collector, of the goods, chattels, lands and tenements of such Collector, and pay the same to the County Treasurer, and to return such warrant within forty days after the date thereof, which warrant the Treasurer shall immediately deliver to the Sheriff of the County.

Sheriff to execute warrant

SEC. 10. The Sheriff to whom such warrant is directed, shall immediately cause the same to be executed, and shall make return therof to the Treasurer within the time specified, and shall pay to him the money received in virtue thereof, deducting therefrom as his fees, the same compensation as the Collector would have been entitled to retain. Such part of the moneys, if any, as ought to have been paid by the Collector, to the town officers, shall be paid by the Treasurer to the officers to whom the Collector was directed to pay the same, but if the whole amount of moneys due from the Collector, shall not be collected in such warrant, the County Treasurer shall first retain the amount which ought to have been paid to him, before making any payment to the town officers.

Sheriffs return

SEC. 11. If the whole sum due from said Collector shall be collected, the Sheriff shall so state in his return; but if any part only, or if no part of such sum shall be collected, the Sheriff shall state in his return the amount levied, if any, exclusive of his fees, and shall also certify that such Collector has no goods or chattels, lands or tenements in his county, from which the moneys, or the residue thereof, as the case may be, could be levied, and in either case, the Treasurer shall immediately give notice to the Supervisor of the town or district, of the amount due from such Collector, and the Supervisor shall forthwith cause the bond of such Collector to be put in suit, and shall be entitled to recover thereon the sum due from such Collector, with costs of suit, and the moneys recovered shall be applied and paid to the Supervisor, in the same manner in which it was the duty of the Collector to have applied and paid the same.

Supervisor to cause suit on bonds

SEC. 12. If any Sheriff shall neglect to return any such warrant, or to pay the money collected thereon, within the

County treasurer to institute suit

time limited for the return of said warrant, or shall make any false returns thereon, the County Treasurer shall forthwith proceed to collect the whole sum directed to be levied by such warrant, by a proper suit therefor, and he may proceed in the first instance, by a writ of attachment against the goods and chattels, lands and tenements, rights and credits, of such Sheriff, and the same proceeding may be had thereon in the proper Court, as provided by law in ordinary cases of attachment.

Neglect or refusal to pay over deemed a felony—penalty

SEC. 13. The neglect or refusal of any Collector, Constable or other town or county officer, who shall have collected or received any sums of money in his capacity as such officer, to pay over such money or any part thereof, to the person or persons to whom such money shall be due or belonging, or for the purpose for which such money was collected or received, when the same shall be due or demanded by the proper person or authority, shall be deemed a felony, and shall be punished by imprisonment in the County Jail or State Penitentiary, for the term of one year for each and every one thousand dollars so neglected or refused to be paid over, and in the same proportion of time for any less sum. And the person so offending shall be forever thereafter incapable of holding any office in this State.

Certificate in case of settlement

SEC. 14. Upon the settlement of the amount of taxes directed to be collected by any Collector in any of the towns or districts of this State, the County Treasurer shall give to such Collector a certificate of the settlement, which shall be his discharge in full.

ARTICLE XXI.

OF ROADS, HIGHWAYS AND BRIDGES.

Supervisors to have the care and superintendence of roads and bridges—their duties

SEC. 1. The Supervisors in the several towns in this State, shall have the care and superintendence of roads and bridges therein; and it shall be their duty to give directions for the repairing of the roads and bridges in their respective towns to regulate the roads already laid out, and to alter each of them as they, or a majority of them, shall deem proper, as hereinafter provided, to cause the roads and the bridges which are or may be erected over streams intersecting roads to be kept in repair; to divide their respective towns into so many road districts as they shall deem convenient, by writing under their hands, to be lodged with the Town Clerk and by him entered in the town records, such division to be made annually if they shall deem it necessary, and in all cases, to be made at least ten days before the annual town meeting; to assign to each of the said road districts, such of the inhabitants liable to work on highways as they shall think proper, having such regard to proximity of residence as may be, and to require the Overseers of Highways, from time to

time, as often as they shall deem necessary, to warn all persons liable to work on roads, to come and work thereon, with such tools, carriages, cattle or teams, as the said Overseers, or either of them shall direct. (1, 2, 3, 4.)

Supervisors to render accounts of labor assessed, moneys received expenses &c

SEC. 2. The Supervisors in each town shall render to the Board of Town Auditors, at their annual meeting for auditing the accounts of town officers, an account in writing, stating the labor assessed and performed in such town, the sums received by such Supervisors for fines and commutations and all other moneys received under this Act; a statement of the improvements necessary to made on the roads and bridges, and an estimate of the probable expense of making such improvements, beyond that the labor to be assessed in that year and the road tax will accomplish; also, a statement in writing, of all expenses and damages in consequence of laying out, altering or discontinuing the roads.

Overseers to repair and keep in order roads—warn persons to work—to collect fines &c

SEC. 3. It shall be the duty of Overseers of Highways in each town, to repair and keep in order the roads within their several districts for which they shall have been elected; to warn all persons from whom labor is due, to work on the highways at such times and places within their several districts, as they may think proper; to collect all fines and commutation money, and to execute all lawful orders of the Supervisors; and to deliver to the Town Clerk, within sixteen days after election of appointment, a list subscribed by such Overseer, or the names of all the inhabitants in his road district who are liable to work on the highways.

In case the office of overseer becomes vacant—supervisors to appoint

SEC. 4. If any person chosen or appointed to the office of Overseer of Highways shall refuse to serve, or if his office shall become vacant, the Supervisors of the town shall, by warrant under their hands, appoint some other person in his stead; and the Overseer so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties as Overseers chosen at town meetings.

Warrant to be filed with town clerk—town clerk to notify

SEC. 5. The Supervisors making the appointment shall cause such warrant to be forthwith filed in the office of the Town Clerk, who shall give notice to the person appointed, as in other cases.

Whenever overseer neglects to perform duties he shall forfeit &c

SEC. 6. Every Overseer of Highways who shall refuse or neglect to perform any of the duties of this Act, or which may be lawfully required of him by the Supervisors of his town, shall for every such refusal or neglect forfeit the sum of ten dollars, to be sued for by the Chairman of the Board of Supervisors of the town, and when recovered to be applied by him in making and improving the roads and highways therein.

Supervisors when & where to meet

SEC. 7. The Supervisors of each town shall meet at the Town Clerk's office, within eighteen days after they shall be chosen, on such day as they shall agree upon and afterwards at such other times and places as they shall think proper.

SEC. 8. The Town Clerk shall deliver the list filed by the

How assessed

Overseers to the Supervisors, who shall proceed to ascertain, estimate and assess the highway labor and road tax to be performed and paid in their town the next ensuing year.

Supervisors to assess road tax on real estate—lists how made

SEC. 9. Every male inhabitant being above twenty-five years and under the age of fifty, excepting paupers, idiots, lunatics, and such others as are exempt by law, shall be assessed, at least two days in each year. Supervisors shall assess a road tax on all real estate liable to taxation, of the town, to any amount they may deem necessary, not exceeding fifty cents on each one hundred dollars of value, as valued on the assessment roll of the preceding year. They shall affix the name of each person named in the lists so furnished by the Overseers, the number of days assessed to each person for highway labor, and also a description of each tract of land and the name of the owner, if known, with the valuation thereof, as taken from the assessment roll of the previous year, and the amount of the road tax assessed thereon in a separate volume. The lists so prepared shall be signed by the Supervisors and deposited with the Town Clerk, to be filed in his office.

Copies of lists to be delivered to overseer—what to contain

SEC. 10. The Supervisors shall direct the Town Clerk to make a copy of each list, shall sign such copies, after which they shall cause the several copies to be delivered to the respective Overseers of Highways of the several districts in which the highway labor is assessed. One copy for each Overseer shall contain the name and number of days assessed to each person, the other the land road tax.

Names to be added by overseer

SEC. 11. The names of persons left out of such list, and of new inhabitants, shall from time to time be added to the several lists and they shall be rated by the Overseers in the same proportion, to work on the highways, as others rated by the Supervisors on such lists.

ARTICLE XXII.

NOTICE TO PERSONS LIABLE TO WORK ON ROADS.

Overseer to give three days notice—requisites of notice

SEC. 1. It shall be the duty of Overseers of Highways to give at least three days notice to all persons assessed to work on highways and living within the limits of their respective districts, of the time and place when and where they are to appear for that purpose and with what implements; but no person being a resident of the town shall be required to work on any highway other than in the district in which he resides.

Commutation money how expended

SEC. 2. Every person liable to work on the highways shall work the whole number of days for which he shall have been assessed, but every such person, other than the Overseers of Highways, may elect to commute for the same, or for some part thereof, at the rate of one dollar and fifty cents per day; in which case such commutation money shall

be paid to the Overseers of Highways of the district in which the person commuting shall reside, to be applied and expended by the Overseer, in the improvements of the roads and bridges in the same district.

Commutation not made until money is paid

SEC. 3. Every person intending to commute for his assessment or any part thereof, shall, whithin twenty-four hours after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice, and the commutation shall not be considered as made until such money be paid.

Teams &c may be required

SEC. 4. Every Overseer of Highways shall have power to require a team or cart, wagon or plow, with a pair of horses or oxen and a man to manage them, from any person having the same within his district, who shall have been assessed two days or more, and who shall not have commuted his assessment, the person furnishing the same upon such requisition shall be credited for two days for each day's service therewith.

Also may employ substitutes — ten hours to constitute a day's work —penalty for default

SEC. 5. Every person assessed to work on the highways and warned to work, may appear in person, or by an able-bodied man as a substitute, and the person or substitute so appearing shall actually work ten hours in each day, under a penalty of fifteen cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

Persons neglecting or refusing to appear to be fined —in what cases

SEC. 6. Every person so assessed and duly notified, who shall not commute and who shall refuse or neglect to appear as above provided, shall forfeit for every day's refusal or neglect, the sum of two dollars. If he was required to furnish a team, carriage, man or implements, and shall refuse or neglect to comply, he shall be fined as follows:

For [wholly] omittting to comply with such requisition, four dollars for each day.

For omitting to furnish a cart, wagon or plow, one dollar for each day.

For omitting to furnish a pair of horses or oxen, one dollar and fifty cents for each day.

For omitting to furnish a man to manage the team, one dollar and fifty cents for each day.

Complaint for neglect or refusal

SEC. 7. It shall be the duty of every Overseer of Highways, within six days after any person so assessed and notified, shall be guilty of any refusal or neglect for which a penalty or fine is prescribed in this Act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect to make complaint to one of the Justices of the Peace of the town.

Summons—requisites of—how served

SEC. 8. The Justice to whom such complaint shall be made, shall forthwith issue a summons, directed to any Constable of the town, requiring him to summon such delinquent to appear forthwith before such Justice, at some place to be specified in the summons, to show cause why he should not

be fined according to law for such refusal or neglect, which summons shall be served personally or by leaving a copy at his abode.

Fine—how collected

SEC. 9. If upon the return of such summons no sufficient cause shall be shown to the contrary, the Justice shall impose a fine as is provided in this Act for the offense complained of, and shall forthwith issue a warrant under his hand, directed to any Constable of the town where such delinquent shall reside, commanding him to levy such fine, with the costs of proceedings, on the goods and chattels of such delinquent.

Fine when collected—how disposed of

SEC. 10. The Constable to whom such warrant shall be directed shall forthwith collect the moneys therein mentioned. He shall pay the fine, when collected, to the Justice who issued the warrant, who is hereby required to pay the same to the Overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district over which he is Overseer.

Penalty—how applied

SEC. 11. Every penalty collected for neglect or refusal to appear and work on the highways shall be set off against his assessment upon which it was founded, estimating each two dollars collected as a satisfaction for one day's work.

Acceptance of excuse not to release—from road labor

SEC. 12. The acceptance by an overseer of any excuse for refusal or neglect shall not in any case exempt the person excused from commuting for or working the whole number of days for which he shall have been assessed during the year.

How paid, &c.

SEC. 13. Every Overseer of Highways shall be entitled to one dollar and fifty cents per day, to be paid out of fines and commutation money, for every day he is necessarily employed in the execution of his duties as Overseer, beyond the amount of his own highway labor and road tax—the number of days to be accounted to, and audited by the Supervisor of the town. When there are no funds from fines or commutations, the Supervisors may pay the Overseers out of other funds in their hands.

Notice to work out—how tax may be paid

SEC. 14. It shall be the duty of the Overseer of Highways to warn all residents of his district against whom a land road tax is assessed, giving them three days' notice to work out the same on the highways, and he shall receive such tax in labor from every able bodied man, or his substitute, at the rate of one dollar per day, and any person or his agent may pay such tax in road labor at the rate of one dollar per day, or any person may pay such tax in money if he elect so to do.

How payment to be marked

SEC. 15. It shall be the duty of the Overseers of Highways, when such land tax has been paid, either in money or labor, to write the word "paid" directly against each name or tract in his list on which the same has been paid.

SEC. 16. Every Overseer of Highways shall deliver to the Supervisor of his town, at least five days previous to the an-

nual meeting of the Supervisors, the list furnished by the Supervisors, containing the land road tax, with his certificate thereon, that on all tracts of land in said list, opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his knowledge and belief. Return of certificate—to whom—and what to contain

SEC. 17. If any Overseer shall refuse or neglect to deliver such list with his certificate, as provided in the last section, he shall, for every offence, forfeit the sum of five dollars, and also the amount of tax remaining unpaid, to be recovered by the commissioners of highways and applied by them in improving the bridges and roads of such town. Refusal or neglect—overseer to suffer penalty

SEC. 18. It shall be the duty of the Supervisors of the several towns, to receive the lists of the Overseers of Highways pursuant to the preceding section, and lay the same before the Board of Supervisors at their annual meeting, and to cause the amount of such arrearages of road tax to be levied on the lands so returned, and to be collected in the same manner that the contingent charges of the county are levied and collected, and to order the same, when collected, to be paid over to the Supervisors of the town, to be by them applied to the construction of roads and bridges. Duty of board of supervisors

SEC. 19. It shall be the duty of every Overseer of Highways, to have at least three-fourths of the road labor assessed in his district, worked out or actually expended on the highway previous to the first day of October in each year. When to be done

SEC. 20. Every Overseer of Highways shall, on the second Tuesday next preceding the time of holding the annual town meeting in his town, within the year for which he is elected or appointed, render to one of the Supervisors of the town, an account in writing, containing, Form and order of lists—nature of returns

First—The names of all the persons assessed to work on the highways in the district of which he is overseer.

Second—The names of all those who have actually worked on the highways, with the number of days they have worked.

Third—The names of all those who have been fined, and the sums in which they have been fined.

Fourth—The names of all those who have commuted and the manner in which the moneys arising from fines and commutations have been expended by him.

SEC. 21. Every such overseer shall also then and there, pay to the Supervisors all moneys remaining in his hands unexpended, to be applied by the Supervisors on the roads and bridges in the town. Overseers to pay over money

SEC. 22. If any overseer shall refuse or neglect to render such account, or if, having rendered the same, he shall refuse or neglect to pay any balance which may then be due from him, he shall for every such offense forfeit the sum of five dollars, to be recovered, with the balance of the moneys remaining in his hands, by the Supervisors of the town, and applied to the making or improving of roads and bridges in such town. Penalty for refusal or neglect

ARTICLE XXIII.

ALTERATION OR DISCONTINUANCE OF ROADS.

Supervisors to lay out, alter or discontinue roads—legal voters to petition—petition how made

SEC. 1. The Supervisors of the town may alter or discontinue any road, or lay out any new road, State and county roads excepted, when petitioned by any number of legal voters not less than twelve, residing within one mile of the road so to be altered, discontinued or laid out. Said petition shall set forth in writing, a description of the road and what part thereof is to be altered or discontinued, and if for a new road, the names of the owners of the land, if known, over which the road is to pass, the point at which it is to commence, its general course, and the point near which it is to terminate.

Notice when and where to be posted

SEC. 2. Whenever any number of legal voters determine to petition the Supervisors for the alteration or discontinuance of any road or laying out of any new road, they shall cause a copy of their petition to be posted up in three of the most public places of the town twenty days before any action shall be had in relation thereto.

Supervisors to personally examine road, and to hear reasons for and against

SEC. 3. Whenever the Supervisors shall receive a petition in compliance with the two preceding sections, they, or a majority of them, shall, within ten days after the expiration of the twenty days named in Section two, personally examine the proposed alteration, discontinuance or route for the new road proposed, and shall hear any reasons that may be offered for or against altering, discontinuing or laying out the same. If they shall consider such alteration, discontinuance, or laying out necessary and proper, and that the public interest will be promoted thereby, they shall grant the prayer of the petitioners as hereinafter provided.

Supervisors to cause survey to be made—surveyor to report with plats, &c

SEC. 4. Whenever the Supervisors shall determine to lay out any new road, or alter any old one, they shall cause a survey to be made by a competent surveyor, who shall make a report to them of such survey, accompanied with a plat, particularly describing the route by metes and bounds, courses and distances; they shall incorporate such report and survey, accompanied with the plat in an order to be signed by them, declaring such road so altered or laid out, to be a public highway, which order, together with the petition, shall be deposited with the Town Clerk, who shall note the time of filing the same, but on refusal shall note the fact on the back of such petition.

Town clerk to file orders &c

SEC. 5. It shall be the duty of the Town Clerk, whenever any order of the Supervisors for laying out, altering or discontinuing a road shall be received by him, to carefully file the same, and the time hereinafter limited for appealing from such order shall be computed from the time of filing the same; but the Town Clerk shall not record such order until a final decision is made, and not then unless such order is confirmed.

Damages—how ascertained and assessed

SEC. 6. The damages sustained by reason of laying out, or opening or altering any road, may be ascertained by the agreement of the owners and the Supervisors, and unless such agreement be made, or the owners shall in writing release all claim to damages, the same shall be assessed in the manner hereinafter prescribed, before the same shall be opened or workd or used. Every agreement and release shall be filed in the Town Clerk's office, and shall forever preclude such owners of such lands from all further claim for such damages. In case the Supervisors and the owners of land claiming damages cannot agree, it shall be the duty of the Supervisors to assess the damages at what they may deem just and right to each individual claimant with whom they cannot agree, and deposit a statement of the amount of damages so assessed to each individual with the Town Clerk, who shall note the time of filing the same. It shall be the duty of the Supervisors, in all cases of assessing damages, to estimate the advantages and benefits the new road, or alteration of an old one, will confer on the claimants for the same, as well as the disadvantages.

Persons aggrieved may appeal—when and to whom

SEC. 7. Any person or persons being owners of or agents for any tract of land over which any highway, altered, discontinued or laid out, shall run, feeling themselves aggrieved by any order made by the Supervisors, may appeal from the same at any time within thirty days after the filing of such order in the Town Clerk's office. Such appeal shall note the time such order was filed, and shall be made to any three members of the board of County Supervisors, neither of whom shall be a resident of the town in which such highway is situated. All persons who wish to make an appeal from such order, shall act in concert and make their appeal to the same three Supervisors.

Must be in writing—what must be stated

SEC. 8. Every such appeal shall be in writing, addressed to the Supervisors, and signed by the party or parties appealing. It shall briefly state the ground on which it is made and whether it is brought in relation to damages assessed by the Supervisors, or in relation to the alteration, discontinuance, or laying out of the road, or whether it is brought to reverse entirely the determination of the Supervisors, or only to reverse a part thereof; and in the latter case it shall specify what part. The appeal shall be left with one of the three county Supervisors, by the person or persons appealing, and such person or persons shall also leave a notice of such appeal to the other County Supervisors to whom the appeal is made.

Proceedings of supervisors in case of appeal

SEC. 9. It shall be the duty of the Supervisors to whom the appeal is made, to agree on a time when and where they will meet to consider the same; which shall be at some place deemed convenient at or near the road to be examined.

SEC. 10. The person or persons making the appeal, shall cause a notice in writing, of the time and place agreed on by

Notice of hearing to be served on supervisors and petitioners—notice must be eight days

the three Supervisors, when and where they will meet, to be served on each of the Supervisors from whose order they appealed, and also on at least three of the petitioners who petitioned in relation to such road; which notice shall be served at least eight days before the time named therein, by delivering one to each Supervisor, or leaving one at each of their dwellings, and in like manner shall notice be served on three petitioners.

How conducted

SEC. 11. It shall be the duty of the county Supervisors to convene at the time and place mentioned in the notice, and to hear the proofs and allegations of the parties. They shall have power to issue precess to compel the attendance of witnesses, and may adjourn from time to time, as may be necessary. Their decision, or that of any two of them, shall embrace the whole matter in controversy. They shall first consider the propriety and expediency of locating, altering or discontinuing the road; secondly, the subject of damages, if such subject was embraced in the appeal under which they are acting, and they shall fix on the amount of damages which, in their judgment, is right and just to be paid to each person claiming, but no person shall be entitled to a re-assessment of damages, unless his or her name appears in the appeal in reference to that subject.

Compensation of supervisors in case of appeal

SEC. 12. Every such Supervisor shall be entitled to receive three dollars for each day employed in hearing and deciding such appeal, to be paid by the party appealing, when the determination of the Supervisors is sustained, but if reversed, to be paid by the town.

How to proceed

SEC. 13. Upon the refusal of the Supervisors to alter, discontinue or lay out any new road petitioned for, as provided in Section one of this Article, any one of the petitioners may appeal from such determination, in the same manner and subject to the same provisions and restrictions as relates to persons who feel themselves aggrieved by a determination of the supervisors to alter, discontinue or lay out a new road.

Duty of supervisors in case of appeal from their determination

SEC. 14. When an appeal shall have been made from the determination of the Supervisors refusing to lay out, alter or discontinue [a road and the county Supervisors shall reverse such determination, such county Supervisors shall alter, discontinue], or lay out the road applied for, as the case may be, and in doing so, shall proceed in the same manner in which Supervisors of towns are directed to proceed in like cases. Such roads shall be opened by the Supervisors of the town in the same manner as if laid out by themselves.

Supervisors to act in case of appeal after expiration of his term of office

SEC. 15. In case any one of the county Supervisors to whom such application shall have been made shall become unable to attend before the determination of such appeal, it shall be the duty of the Supervisors named therein, to select another of the Supervisors of the county, who shall act with them in all subsequent proceedings in the same manner as if he had been originally named in the appeal. In case the

term of office of any county Supervisor shall expire before the determination of such appeal, he shall continue to act in the premises the same as if he had been re-elected.

Damages as finally settled—how paid

SEC. 16. The amount of damages as finally settled by the three county Supervisors, or as agreed on by the Supervisors, together with all charges of officers and other persons employed in laying out or discontinuing any road, shall be rendered by the Supervisors to the board of Town Auditors, with the amount of damages and charges due each individual, which account shall be audited by said board, certified to and deposited with the Town Clerk. The Town Clerk shall make out the aggregate amount of such damages and charges, with his certificate thereto attached, and deliver the same to chairman of the board of Supervisors of the town previous to the annual meeting of the board of county Supervisors.

How relief is obtained

SEC. 17. After a final decision by any three Supervisors to whom any road difficulty has been appealed, if in the opinion of the Supervisors, Town Clerk and Justice of the Peace, or any four of them, the damages are manifestly too high, and that in providing for the payment thereof, an oppressive tax will have to be levied on the property of said town, they may petition the board of county Supervisors, at any meeting of said board held within six months after such decision, for relief either from the whole or a part of the damages. The Board shall hear the reasons for and against granting such relief, and if a majority of them shall be of opinion that the town should be relieved from the whole amount of damages, then and in that case, the opening of said road shall be postponed until the damages or a major part thereof are in some other way provided for than by levying a tax on the property of the town. *Provided;* That such action shall only stay proceedings until the next town meeting, and during the term of office of the petitioners against such tax.

Towns disagree

SEC. 18. Whenever the Supervisors of any town shall disagree with the Supervisors of any other town of the same county of another county, relating to the laying out of a new road, or the alteration of an old road, which shall extend into both of said towns, the Supervisors of such towns shall meet together at the request of either disagreeing Supervisors, and make their decision on the subject of disagreement.

Town line—laying out of new road on town line

SEC. 19. Whenever the Supervisors of any town receive a petition praying the location of a new road, alteration or discontinuance of an old one, on the line between two towns, such road shall be laid out, altered or discontinued by two or more of the Supervisors of each of said towns, either on such line or as near thereto as the convenience of the ground will admit, and they may so vary the same, either to the one side or the other of such line, as they may think proper.

SEC. 20. It shall be the duty of the said road Supervisor,

Road districts—how divided

when there may be such highways, to divide it into two or more road districts, in such manner that the labor and expense of opening, working and keeping in repair such highways through each of the said towns may be equal as near as may be, and to allot an equal number of such districts to each of said towns.

Allotment and position to be recorded

SEC. 21. Each district shall be considered as belonging wholly to the town to which it may be allotted for the purpose of opening and improving the road and keeping it in repair, and the Supervisors shall cause such highway and the position and the allotment thereof to be recorded in the office of the Town Clerk in each of said towns.

Roads between towns

SEC. 22. All roads heretofore laid out on the line between any two towns shall be divided, allotted, recorded and kept in repair in the manner above directed.

Supervisors to give notice to remove fences—supervisors to cause removal of fence

SEC. 23. Whenever the Supervisors shall have laid out any public road through any inclosed, cultivated or improved lands, in conformity with the provisions of this Act, and their decision shall not have been appealed from, they shall give the owner or occupant of the land through which such road shall have been laid, sixty days notice in writing to remove his fences. If such owner does not remove his fences within sixty days, the Supervisors shall cause such fences to be removed and shall direct the road to be opened and worked.

In case of appeal—notice to remove fences to be given after decision

SEC. 24. If the decision of the town Supervisors shall have been appealed from, then the sixty days notice shall be given after the decision of the county Supervisors upon such appeal shall have been filed in the office of the town Clerk of the town.

Public roads

SEC. 25. Public roads now legally existing are declared the highways of the towns in which they shall lie.

Public roads to be four rods wide

SEC. 26. All public roads to be laid out by the Supervisors of any town shall be not less than four rods wide.

Supervisors not to alter state roads

SEC. 27. This Act shall not be construed as conferring any power on the Supervisors to alter State roads now or hereafter existing by law.

ARTICLE XXIV.

MISCELLANEOUS PROVISIONS.

Judges of election

SEC. 1. Each town organized under this Act, or the Act providing for Township Organization approved March 20th, 1858, shall constitute an election Precinct, and the Supervisors shall be ex-officio judges of election; *Provided*, That if neither of them be present at the time for opening the polls, the voters present may elect judges to act for the day.

Secretary of state to cause this act to be printed

SEC. 4. It shall be the duty of the Secretary of State to cause to be printed, immediately on the adjournment of the Legislature, five thousand copies of this Act, with practical forms and notes, with references to decisions of other States on questions upon like statutes.

SEC. 5. The town Supervisors already elected under the Act of March 20th, and June 21st, and the Supervisors in towns to be organized under this Act, may copy the assessment rolls in their towns for 1858 to base the assessment of road tax upon, instead of last year's assessments, for the present year, and are hereby authorized to meet and assess the same as soon as may be practicable, in their several towns. Road tax to be raised upon assessment of 1858

SEC. 6. That the several towns under this Act shall have power to direct such sums of money to be raised in their respective towns for prosecuting or defending suits, or for the support and maintainance of roads and bridges, or for any purpose, as they may deem necessary, to be voted at any annual or called town meeting. Powers to raise money.

SEC. 7. An Act entitled "An Act to provide for Township Organization," approved March 20, 1858, is hereby repealed, but no rights accrued or liabilities incurred under said Act, shall be affected thereby. Rights already accrued not to be affected

SEC. 8. Each city shall be allowed one member of the Board of County Supervisors from each Ward contained in such city; and the senior Councilman in each Ward shall be such member, unless the city shall elect some other person for that purpose. Senior councilman to be supervisor

SEC. 9. Every town which may contain more than eight hundred inhabitants shall be allowed to send one additional town Supervisor as a member of the Board of County Supervisors for each additional eight hundred inhabitants, and for any additional [fraction] of over four hundred. Additional supervisors when town has over eight hundred inhabitants

SEC. 10. All laws now in force applicable to the Board of County Commissioners shall apply to the County Supervisor's court as created under the provisions of this Act, and the office of County Commissioner is hereby declared to be discontinued in all counties from and after the first meeting and organization of the Board of County Supervisors. Laws respecting county commissioners to apply to county supervisor's court

SEC. 11. The Board of Supervisors shall have power to alter, establish or discontinue any county road or roads in their respective counties. Power of supervisors respecting roads

SEC. 12. All acts and parts of acts inconsistent with this Act are hereby repealed. Acts repealed

SEC. 13. This Act shall take effect and be in force from and after its passage. Act to take effect

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August thirteenth, one thousand eight hundred and fifty-eight.
HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota,
August 13, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXVI.

An Act to authorize the establishment and regulation of Ferries.

SECTION 1. Ferry Charters—Board of County Supervisors to grant.
2. Supervisors of counties on either side of a stream may grant ferry rights.
3. Tax per annum for licenses.
4. Licenses granted, to be sealed and attested.
5. Public notice of application for license.
6. Requirements of the persons obtaining license.
7. Rates of ferriage to be established by Board of Supervisors.
8. Prohibition against ferries, unless license has been obtained—penalty for violation.
9. Failure to pay tax—file receipt for license—suit to be brought therefor.
10. Annual taxes for ferries to be paid in advance.
11. Bond to keep the ferry in proper condition to be filed.
12. Repeal of acts inconsistent.
13. Act takes effect within sixty days after passage.

Be it enacted by the Legislature of the State of Minnesota:

Supervisors may grant ferry charters

SECTION 1. The Board of County Supervisors of any county in this State, may grant a license to any person applying therefor to keep a Ferry across any stream within their respective counties, upon being satisfied that a ferry is necessary at the point applied for, but no ferry shall be established within one-half mile of any ferry already established.

Supervisors on either side of a stream may grant ferry rights

SEC. 2. In all cases when the stream over which a ferry is sought to be licensed, runs between two counties, the Board of County Supervisors of either county shall have as full jurisdiction in the premises as though the stream was wholly within the county of which they are Supervisors, and when the County Supervisors of either county shall have exercised jurisdiction under this Act, and shall have established any ferry thereunder, the County Supervisors of no other county shall have any power to exercise any jurisdiction over such ferry, while the same is in legal existence; *Provided further*, That where the Mississippi River, or any other river, lake or bay forms any portion of the boundary line of the State of Minnesota, the Board of Supervisors in their respective counties shall grant licenses and exercise all the power conferred upon them by the provisions of this Act, so far as the same does not conflict with the rights of other States.

Tax per annum for license

SEC. 3. The Board of County Supervisors shall tax such sum as may appear reasonable, not less than five, nor more than fifty dollars per annum, and the person to whom such license shall be granted, shall pay to the County Treasurer

the tax for one year in advance, and file the receipt therefor with the Register of Deeds, and shall also pay to the said Register one dollar as fee for issuing said license.

License to be attested with the seal

SEC. 4. All license for ferries, granted under the provisions of this Act, shall be sealed with the seal of the Board of County Supervisors, and signed by the Chairman of the Board, attested by the Register of Deeds, and may be granted for any period not exceeding six years.

Public notice of application for license

SEC. 5. All persons intending to apply for a license, shall give notice of their intention to apply for a license for a ferry, at a certain point, by posting up at least three notices in public places, in the neighborhood where the ferry is proposed to be kept, twenty days prior to such application; *Provided*, That when application shall be made for a renewal of a license, where the former license has expired, the same may be granted or renewed without previous notice or petition.

Requirements of the persons obtaining license

SEC. 6. Every person obtaining a license to keep a ferry, shall provide and keep in complete repair the necessary boat or boats, for the safe conveyance of persons and property, and shall keep a sufficient number of hands to give due attendance from daylight in the morning until dark in the evening; and shall moreover, at any hour in the night or day, when called upon for the purpose, convey the United States Mail, or any person or persons, desiring to cross the same with or without teams or vehicles across said Ferry; *Provided*, That when the stream is impassable from the high stage of water, or from the drift ice in the river, or when the river is frozen over, no damages shall be recovered for a failure or refusal to convey any person or property across said stream.

Rates of ferriage to be established by supervisors

SEC. 7. Whenever a Board of County Supervisors of any county shall grant a license to keep a ferry across any stream, the said Board shall establish the rate of ferriage, which may be demanded for the transportation of persons or property; and the Register of Deeds shall furnish to every person to whom a license has been granted, a list of the rate of ferriage allowed at said ferry; which list the ferry keeper shall post up at the door of his ferry house, or in some other conspicuous place, near the landing of said ferry, and any person who shall demand or receive more than the amount so designated for ferrying, shall pay such sum, not exceeding twenty dollars, as any Court having competent jurisdiction shall determine, to be recovered in an action of debt, by any person suing for the same.

Prohibits ferries without license—penalty

SEC. 8. No person shall be allowed to establish, run or maintain upon any waters within this State any ferry upon which to convey, carry or transport any persons or property for hire or reward, without first obtaining a license therefor as herein before provided. Any person or persons violating the provisions hereof, shall for each offense forfeit and pay

the county wherein such offense shall be committed, or in any county where said ferry may terminate, the sum of five dollars, to be recovered in a civil action, in the name of such county, before any Justice of Peace within the county where such suit may be brought, and in case of recovery, the said county shall recover the same costs, as in other civil actions, before Justices of the Peace. But this Act shall not be so construed as to prevent the establishing, maintaining and running free ferries.

Failure to pay license and file receipt—suit to be instituted

SEC. 9. Any person, who shall have obtained a license for a ferry shall pay his yearly tax to the County Treasurer, and file the Treasurer's receipt with the Register of Deeds, and whenever there shall be a failure of filing such receipt on the part of any person or person, having a license to keep a ferry, for twenty days after the expiration of the time, when such tax shall become due, the Register of Deeds shall forthwith cause suit to be brought against such person or persons, so failing as aforesaid, in the name of the Board of Supervisors of the county, for said tax, with ten per cent. interest thereon; and every such failure to pay said tax, as aforesaid, within twenty days after the time it becomes due, shall annul the license of any such person or persons so failing as aforesaid.

Advance payment of ferry tax

SEC. 10. All annual taxes for ferries shall be paid in advance; and no license for a ferry for a longer period than one year, shall be granted at a special meeting of any Board of Supervisors, nor shall the payment of any annual tax imposed by this Act, be valid or complete, until the Treasurer's receipt shall have been filed in the Register of Deeds' office.

Bond to keep ferry in proper condition—to be filed

SEC. 11. The Board being satisfied that a ferry is needed at such place, and that the applicant is a suitable person to keep it, must grant the license, which, however, shall not open until the applicant files a bond with sureties, to be approved by the Board, in a penalty not less than two hundred dollars, with a condition that he will keep the ferry in proper condition for ferrying, and attend the same at all times fixed by the Board for running the same, that he will neither demand nor take any illegal tolls, and that he will perform all other duties, which are or may be enjoined on him by law, which bond shall be filed in the office of Register of Deeds.

SEC. 12. All acts or parts of acts inconsistent with this Act are hereby repealed.

SEC. 13. This Act shall take effect after the expiration of sixty days from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August thirteenth one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 18, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary.

CHAPTER LXXVII.

An Act to organize and discipline the Militia and Volunteer Militia.

SECTION 1. Citizens of the State subject to enrollment in the militia.
2. Militia divisions—limits of First Division, and appointment of officers.
3. Limits of Second Division.
4. Limits of Third Division.
5. Governor to be Commander-in-Chief; appointment of officers.
6. Division into brigades.
7. State Auditor to notify County Auditors of the duties of Assessors; public notice of the same to be given in newspapers.
8. Duties of Assessors; to make list of persons subject to enrollment; provisions to secure a complete enrollment.
9. When enrolled militia may be called into service; discipline and rank while in service.
10. Volunteer militia; manner of organizing.
11. Volunteer companies to be numbered; first organized to be first and senior in rank.
12. Organization into batallions and regiments.
13. Officers to make returns; when and what to be returned.
14. Term of service in volunteer companies to be five years.
15. Adoption of constitution and by-laws by volunteer companies.
16. Military commissions to expire in five years from date; vacation of office by absence; removal from office.
17. Uniform of volunteer companies; provision exempting present organized companies from adopting same for five years.
18. Major-Generals authorized to organize volunteer companies.
19. Uniform complete; members of volunteer companies free from arrest while going to and returning from parade or muster.
20. Fine for refusal to attend musters or parades required by this Act.
21. Assessment of fines by company officers; manner of collecting fines.
22. Amount of fines to be assessed upon officers; manner of collecting the fines.
23. Fines and penalties for disturbing musters.
24. Fines against minors and others.
25. Courts to grant process for prosecuting fines and penalties to final judgment.
26. Costs of suit where State fails, to be paid out of State treasury.
27. Powers of sheriffs and mayors in riots; penalty for neglect to obey orders of sheriff.
28. Authority to commandants to call out their respective commands.
29. Pay of volunteer companies while under orders of sheriff or mayor.
30. Three company musters to be held in each year.
31. Annual encampment of each brigade; public notice thereof.

32. Review and inspection of brigades at encampments.
33. Brigade Courts—how organized.
34. Brigade Court may assess fines by suit before Justices of the Peace
35. Brigade Inspector to collect fines by suit before Justices of the Peace.
36. Camp equipage and colors, how furnished.
37. Compensation of officers, to be paid out of State treasury.
38. Surplus of military fund appropriated to building an armory.
39. U. S. Army Regulations to govern parades, &c.
40. Commissions of old officers extended for five years, and exemption from fines.
41. Certificates to commissioned officers.
42. Resignations of officers.
43. Number of officers to each division of the volunteer militia.
44. Number of staff officers.
45. Rank of staff officers.
46. Staff officers to be commissioned to attend all musters.
47. Public arms to be kept by Assistant Quartermaster.
48. Penalty of detaining or unlawfully disposing of arms belonging to the State.
49. Arrests of officers on complaints.
50. Courts-Martial for hearing of complaints.
51. Trials of Major-Generals and Brigadier-Generals, form of.
52. Form of oath to be administered to members of Courts-Martial.
53. Parties on trial to have copy of charges; pardons or mitigation of penalty by commanding officer.
54. Rules and customs governing Courts-Martial; approval or disapproval of sentence.
55. Courts of Inquiry, how established; their object and power.
56. Commissary Department, officers thereof, how organized.
57. Medical Department—appointment of surgeons and their official rank.
58. Adjutants of Regiments, their duties.
59. Rules governing Courts-Martial. [See Sec. 54.]
60. Courts of Inquiry, how established; their object and power. [See Sec. 55.]
61. Fees of officers composing Courts-Martial; to be paid out of the State Treasury.
62. Armories to be rented if military fund be exhausted, and rent to be paid out of city and county treasuries.
63. Adjutant-General to furnish forms of rolls, bonds and returns, and to explain provisions of this Act.
64. Publication and distribution of copies of this Act, with necessary forms authorized.
65. Repeal of former acts inconsistent herewith.

Be it enacted by the Legislature of the State of Minnesota:

Persons subject to enrollment

SECTION 1. That all able-bodied, white male citizens resident of this State being eighteen years of age and under the age of forty-five years, excepting persons exempt by law, shall be enrolled in the militia and perform military duty in such manner—not incompatible with the Constitution and laws of the United States—as hereinafter prescribed.

MILITIA DIVISIONS.

First division—limits

SEC. 2. That the State shall be divided into three divisions, as follows: That portion of the State lying south of a line commencing at the south-east corner of Dakota County, running along the south lines of Dakota, Scott, Sibley, McLeod, Renville, and thence due west to the west line of the State, shall constitute the First Division, and shall be under the command and orders of one or more Major and Brigadier Generals and Colonels as the Commander-in-Chief may see proper, according to the returns of the census taken from time to time under the authority of law.

Second division

SEC. 3. The counties lying north of said line [named] in the Second section of this Act, and west of the Mississippi River shall constitute the Second Division, and be officered and apportioned as Division No. 1.

Third division

SEC. 4. The counties lying east of the Mississippi River shall constitute the Third Division, and be officered and apportioned as Divisions Nos. 1 and 2.

Commander-in-chief—his power to appoint officers

SEC. 5. The Governor of the State shall be Commander-in-Chief, and shall have power to appoint one or more Major-Generals and two or more Brigadier-Generals for each division, and the Governor shall also appoint and commission all commissioned officers of regiments, battalions and companies; each Colonel shall appoint his own staff, and each Captain shall appoint his own commissioned company officers.

BRIGADES.

Division into brigades

SEC. 6. That the divisions aforesaid shall be divided into as many brigades as the Commander-in-Chief may think proper.

STATE AUDITOR TO NOTIFY COUNTY AUDITORS.

Notification to assessors of their duties

SEC. 7. The Auditor of this State shall, by order of the Commander-in-Chief, issue his order to all of the County Auditors of the several counties, requiring of them to instruct the Assessors of the several townships to perform all the duties required of them by this Act, which order shall be given in one or more newspapers published in each brigade or county, then to be published in any adjoining county belonging to the same division, and to be paid for as other public printing of a like nature.

ENROLLED MILITIA.

Assessors to prepare lists of persons subject to enrollment

SEC. 8. That it shall be the duty of the township assessors of the several townships, and the assessors of the several wards of the several cities, to prepare a list of all persons liable to be enrolled as aforesaid, in their respective wards, townships or districts, save and except members of uniform volunteer companies. Township, ward or district assessors aforesaid shall annually, at the time of assessing taxable property, make out a roll or list of all names of persons enrolled as aforesaid, and place it in the Auditor's office of the proper county; and it shall be the duty of such Auditor, annually on or before the first day of November, to return an accurate copy of such records of enrollment to the Adjutant-General of the State, to be by him filed in the office, and an abstract of the aggregate number of persons so returned shall be forwarded by the Adjutant-General of the State to the War Department at Washington City, on or before the first day of January of each year; and if any assessor shall neglect, or from any cause omit to perform his duties, the other assessors (or either

Auditor to send copies to adjutant general—duty of

Neglect of assessors

of them) of the city, town or ward, shall perform such duties. All tavern-keepers, keepers of boarding-houses, persons having boarders in their families, and every master or mistress of any dwelling-house, shall, upon the application of any assessor, give information of the names of all persons residing or lodging in such house liable to be enrolled, and all other proper information concerning such persons as such assessors may demand. If any person of whom any information is required by any assessor in order to enable him to comply with the provisions of this Act, shall refuse to give such information, or shall give false information, he shall forfeit and pay not more than ten dollars for each offense; any person who shall refuse to give his own name and proper information, when applied to by any assessor, or shall give false name or information, shall forfeit and pay a like sum, such penalties to be recovered in any Court of competent jurisdiction, in the name of the State of Minnesota; and it is hereby made the duty of the assessors to report the names of all persons who may incur any penalty in this section prescribed, to the commandant of the brigade in which they reside. All moneys collected under the provisions of this Act shall be paid to the County Treasurer, and go to the military fund of said county.

Provision to obtain necessary information—penalty

Compensation to assessors

The assessors shall be compensated for their services in making the enrollment required by this article at the same rate and in like manner as they are compensated for making the annual assessment of property.

Militia when subject to active duty—rules while in service

SEC. 9. That the militia thus enrolled shall be subject to perform no active military duty save and except in case of war, invasion, or to prevent invasion, riot or insurrection; in such case the Commander-in-Chief is hereby authorized to order out from time to time, for actual service, as many of the militia thus enrolled as necessity may require, and to provide for their organization in the manner hereinafter prescribed for the organization of volunteer militia: *Provided*, That in all such cases the enrolled volunteer militia shall first be ordered into service. The militia, while in actual service, shall be governed by the military laws of the State and the rules and articles of war of the United States; and when any troops are in the field for the purpose aforesaid in this section, the senior ranking officer of the troops present shall take command: *Provided*, That no person shall be eligible to a command in the volunteer militia of this State who is not a citizen of the United States and of this State.

VOLUNTEER MILITIA ORGANIZATION.

SEC. 10. That the active militia of this State shall be composed of volunteer companies, raised by order of the Commander-in-Chief within the limits of the several brigade districts. The volunteer militia shall in all cases of war, invasion, riot, or insurrection, be the first military force ordered into

the filed. Volunteer companies shall consist of men between the ages of eighteen and forty-five; *Provided*, That no minor shall be enrolled as a member of any such volunteer company, without the consent of his parent or guardian; and that all volunteer companies, squadrons, battalions, regiments, brigades, and divisions now formed and officered according to law, shall be retained. Whenever, according to the provisions of this Act, forty men shall be enrolled as members of a volunteer company of artillery, infantry, light infantry or rifle; or whenever thirty men shall be enrolled as members of a volunteer company of cavalry, such companies shall be officered by the Commander-in-Chief, as provided for in the fifth section of this Act. No such company shall be increased to more than a hundred members, and whenever a company becomes reduced to less than twenty members, it may be attached to another company or disbanded, by order of the Commander-in-Chief; *Provided*, That whenever twenty men shall be enrolled as members of a light artillery company, they may proceed as provided in this Act, (sec. 5,) when two such light artillery companies are organized in any brigade, they may be formed into a battalion, under the command of a major, and such subordinate officers as the Commander-in-Chief shall direct; and whenever three such companies of light artillery are organized in any brigade they may be formed into a battalion under the command of a lieutenant colonel and major with such other subordinate officers as the Commander-in-Chief may direct; and when five such light artillery companies exist in any one brigade, they may, by order of the Commander in-Chief, be formed and organized into a regiment, with a full compliment of regimental officers; all such companies, batalions and regiments of light-artillery, when organized, shall be armed and drilled as near as practicable in accordance with the system of the United States army for like organizations.

Volunteer companies to be the active militia—manner of organization

COMPANIES TO BE NUMBERED.

SEC. 11. The several volunteer companies of cavalry, artillery, infantry, light-infantry and riflemen in each brigade, shall be numbered by the proper commandant of brigade, and a record made of such members in his office, and in the Adjutant-General's office, and when they exist in sufficient numbers, and are conveniently located for the purpose, shall be organized into batalions and regiments, and officered as provided in Section 5, of this Act. And in all cases of the same description of arms the oldest organized uniform company first commissioned shall be first and senior in rank, the next uniform company commissioned second in rank, and so on to the junior organized and commissioned company, dating from the first commissions issued to the officers of the company.

Volunteer companies to be numbered—oldest company first in rank

Forming into battalions and regiments

SEC. 12. Whenever there are not less than three nor more than six volunteer or independent companies of infantry, light-infantry, or rifle of any one description within the bounds of any brigade, the commandant thereof may organize such companies into a battalion under the command of a Lieutenant-Colonel and Major with all the staff officers necessary to a regiment, or battalion, as provided for by this Act, *Provided, also*, That whenever there are over five and under eleven companies of any one description as above provided, within the bounds of any brigade, the commandant shall organize the same into a full regiment, commanded by one Colonel, Lieutenant-Colonel and Major, and a full staff, and whenever there are over ten companies in any one brigade as heretofore provided, the commandant of brigade may organize them into battalions or regiments, or both, if there are a sufficient number of companies so to do; and whenever there are not less than two, nor more than four companies of artillery or cavalry, the commandant of brigade may organize them, if artillery, into a battalion, of cavalry, into a squadron, under the command of a Lieutenant-Colonel and Major, and a full set of staff officers as is provided for a regiment by this Act; and whenever there are four or more companies of artillery or cavalry in any one brigade, the commandant of said brigade shall organize them into regiments; and whenever there are over five companies of artillery or cavalry, the commandant of said brigade may organinze the artillery into battalions or regiments, or both, if there are a sufficient number of companies, and may organize the cavalry into squadrons or regiments, or both, as he may think proper and right, being governed by the number of companies of any one description in his brigade in all cases.

OFFICERS TO MAKE RETURNS—WHEN AND WHAT TO BE RETURNED.

Officers of volunteer companies to make returns of their company

SEC. 13. That every commandant of any volunteer independent company shall make a return of all non-commissioned officers, musicians and privates under his command belonging to his company; and all the arms and accoutrements belonging thereto, to the commandant of his regiment, squadron or battalion; but if his company does not form a part of any regiment, squadron, or battalion, then he shall make return to the commandant of his brigade, but in either case shall make his return on or before the first day of August in each year; and the commandants of each and every regiment, squadron, or battalion shall make return to the commandants of brigades on or before the first day of September annually; and the commandants of brigades shall return to commandants of divisions, on or before the first of October annually; and the commandants of divisions to the Adjutant-General on or before the first day of November in each year. All commandants named in this Act, shall make return of all commis-

sioned and staff officers, non-commissioned staff officers; all members of volunteer or independent companies; all arms and accoutrements belonging to or in possession of their commandants; and all such return shall be preserved by the Adjutant-General in a book of records in his office, and an abstract thereof, showing the number of uniform volunteer militia, or active military of the State, shall be by him forwarded to the war department at Washington city, at the same time that the returns of the uniformed or enrolled militia are forwarded, as heretofore provided.

VOLUNTEER COMPANIES HELD TO FIVE YEARS.

SEC. 14. Every non-commissioned officer and soldier of any volunteer company, shall be held to duty therein for five years unless some absolute disability shall occur after forming such company, or shall be discharged by the proper officer; and every such person, after the expiration of said term, and every commissioned officer, after serving a similar term in conformity with the provisions of this Act, shall be entitled to a certificate of such service; and and such certificate shall be given to all such persons under the rank of Brigadier-General, by Generals of Brigade, and if there be no Brigadier, by officers of any brigade in command, and to all other officers by commandants of divisions, and the holders of such certificates, shall be exempt from military duty in time of peace; and all members of volunteer companies now organized, or who shall hereafter organize under the provisions of this Act, shall, while a member of such company, be exempt from labor on the public highways of this State, and service on juries; *Provided*, That if any officer or person shall knowingly grant, issue or use any illegal certificate under the provisions of this Act, such officer or person shall be deemed guilty of misdemeanor, and subject to pay a penalty, in amount, not less than ten nor more than one hundred dollars for each offense, to be collected before any Court having competent jurisdiction, and when collected, to be paid into the military fund in the county where the offense was committed.

Term of volunteer service five years

Exempt from labor on public highways and service on juries

CONSTITUTION AND BY-LAWS.

SEC. 15. Each volunteer company organized under the provisions of this Act, may adopt such constitution and by-laws as a majority of all the members of such company may approve; which shall be binding on all who sign the same; and when any fines are assessed by reason of any infraction of such constitution and by-laws, such company may have process before any competent Court of jurisdiction, in the name of the State, for the use of such company, and prosecute to final judgment and execution, all such fines and penalties provided for by such constitution or by-laws; *Provided*,

Constitution and by-laws may be adopted

That said constitution and by-laws are not inconsistent with this Act or the Constitution of the United States or of this State; *Provided, also,* That in no case will the State pay any costs of such prosecution.

Military commissions expire in five years

SEC. 16. That all military commissions issued, except the Quarter-Master General, Adjutant General, Paymaster General and Aid-de-Camp to the Commander-in-Chief, shall expire in five years from the date thereof; *Provided,* That any officer holding a commission under the provisions of this Act, who may be re-appointed to the same office, shall retain the same rank as he was entitled to under his former commission; *Provided, also,* That nothing in this Act shall be so construed as to disqualify any staff officer, or any officer of the line, from holding a commission after he may arrive at the age of forty-five years; *and further provided,* That every officer who shall remove out of the bounds of his command, or who shall be absent from his command six months, without leave of the commanding officer of his brigade, shall be considered as having vacated his office, and a new appointment shall be made without delay to fill the vacancy so created; *Provided,* That nothing in this Act shall be so construed or understood as to prevent any appointed officer from being removed from his office whenever in the opinion of the officer appointing him, he shall deem it advisable to remove him.

Vacation of office by absence—removal from office

UNIFORM.

Uniform prescribed

SEC. 17. That the uniform of all companies now organized or hereafter to be organized, and officers to be hereafter commissioned, shall correspond and conform to the uniform prescribed by the present regulations of the United States Army, except the coat of arms, which shall be that of the State of Minnesota; *Provided,* Companies now organized and uniformed, and officers now uniformed, shall be privileged to retain their present uniform for the period of five years from and after the passage of this Act; *and further provided,* That every commissioned and staff officer, except chaplains, shall uniform themselves within four months from the date of his or their commissions, and every non-commissioned staff officer shall uniform himself within four months from the date of his appointment, and every member of any volunteer company or independent company, shall uniform himself within four months from the date of the organization of such company, or from the date when he attached himself to such company.

Proviso for companies now organized

MAJOR GENERALS MAY ORGANIZE COMPANIES.

Major generals may organize companies

SEC. 18. That whenever there is no Brigadier General in any brigade, the Major General of said division shall discharge the duties of Brigadier General, as far as may be practicable, by giving orders to raise volunteer companies,

and organizing them into regiments, squadrons or battalions; *Provided*, When any Brigadier or Major General issues an order to raise any volunteer or independent company, said general may confine the raising of such company, to be raised within the bounds of any city, ward or wards, town or townships, which may be within the bounds of any brigade.

UNIFORM COMPLETE.

SEC. 19. Every officer of the line and staff, and every officer and soldier of any volunteer company, shall provide himself with a uniform complete, as required by law, and each commissioned officer shall also provide himself with a suitable sword, and the arms and equipments of the officers and soldiers, and shall be held by them free from any and all process whatever, issued in any civil case, and every member of a volunteer or independent company, and every commissioned and non-commissioned officer, while serving as such, shall be free from arrest on any civil process while going to, and during the time while attending, and returning home from any muster or parade; *Provided, however*, That such [member] of any volunteer company, or commissioned officer, shall have a reasonable time going to and returning from such muster or parade home.

Uniform complete—members free from arrest while going to and returning from parade

FINES.

SEC. 20. Every non-commissioned officer, musician and private, who shall refuse to appear full armed and equipped on any day of muster required by this Act, shall for every such refusal or neglect, pay the sum of one dollar for each company muster, and two dollars for each day's brigade or encampment muster.

Fines for non attendance

ASSESSMENT OF FINES BY COMPANY OFFICERS.

SEC. 21. It shall be the duty of the commander of each volunteer company, together with the commissioned officers of his company, within ten days after each day's company muster required by this Act; *Provided*, in their opinion, such delinquent should be fined, to make out a list of such delinquents, particularly noting the fines therein assessed on such member of his company, and for what cause; a copy of which list shall forthwith be returned to a Justice of the Peace of the proper township. Such Justice, on receiving such list, shall forthwith issue a summons against such delinquent named in such list, naming a day, not more than eight, nor less than three days from the date of such summons, in which the defendant shall appear at the place named in such summons, before such Justice and defend, and in default of an appearance in person, or by agent, or counsel, and a showing of a legal defense, such Justice shall render a judgment in

Fines how to be assessed

Fines how collected

the name of the State for the use of such company, for the amount shown by such list to have been assessed against such delinquent, and the commandant of the company shall call commissioned officers of his company together within five days after each company muster, for the purpose of assessing the aforesaid fines; *Provided*, That all persons feeling themselves aggrieved by the decision of such Justice, shall have the right to appeal, as in other cases; all such fines to be paid over to the County Treasurer, and to go into the military fund.

Right of appeal

AMOUNT OF FINES TO BE ASSESSED UPON OFFICERS.

SEC. 22. That the following shall be the amount of fines to be imposed upon all general officers, Lieutenant-Colonels, Majors, Captains, Lieutenants and non-commissioned staff officers, for refusing or neglecting to discharge any of the duties enjoined on them by the provisions of this Act, and for refusing to obey any order of their superior officers, which fine or penalty shall apply to all commissioned staff officers of the same rank of other commissioned officers who have violated the provisions of this Act, shall be dealt with as other officers; a fine on any non-commissioned staff officer to be not less than three dollars, nor over thirty dollars; a fine on any Lieutenant to be not less than four dollars nor over forty dollars; a fine on any Captain to be not less than five dollars nor over fifty dollars; a fine on any Major to be not less than eight dollars nor more than eighty dollars; a fine on a Lieutenant-Colonel to be not less than nine dollars nor over ninety dollars; a fine on a Colonel to be not less than ten nor over one hundred dollars; all of said fines to be assessed or imposed by a Brigade Court or Court Martial, as the case may be, and to be collected as herein provided for. Hereafter all and any fines imposed upon any commissioned staff officers under the provisions of this Act, shall be collected before any Justice of the Peace in whose township such delinquent may reside, and all such suits shall be brought in the name of the State of Minnesota, for the use of the brigade in which such fines were assessed or imposed, and all sums under one hundred dollars shall be collected before a Justice of the Peace, and any fine assessed or imposed for one hundred dollars or more, shall be collected before any Court having competent jurisdiction, as other like sums to be collected by the Brigade Inspector, or any other Brigade Staff Officer, that the commandant of brigade may designate; *Provided*, That suits commenced by the Brigade Inspector, or other Brigade Staff Officer, shall be for the collection of fines on commissioned and staff officers of his own brigade; *Provided, also*, That when any fine or fines are imposed by Court Martial according to the provisions of this Act, it shall be the duty of the President of said Court to cause said fine or

Fine against officers

Non-commissioned staff officers

Lieutenant

Captain

Major

Lieutenant Colonel

Manner of imposing and collecting fines

fines to be collected as fines are assessed or imposed by Brigade Courts, as herein provided, and any fine imposed on any Brigadier General, shall not be less than fifteen dollars, nor over one hundred and fifty dollars, to be collected by the Major General, or Commandant of Division; *Provided*, said fine is not imposed by any Court Martial; and when any Major General shall be fined, it shall not be less than twenty dollars, nor over two hundred dollars, to be collected by the Commander-in-Chief; *Provided also*, That said fine is not imposed by any Court Martial; *And provided also*, That all fines collected by a Major General or the Commander-in-Chief, shall be agreeable to the foregoing provisions of this Act, and all fines collected under the provisions of this Act, shall go into the military fund belonging to the several brigades, and all suits brought for the collection of fines under the provisions of this Act, shall be brought as other suits at law, and the defendant may plead the general issue, but shall not prove nor refer back to any later date than the date of such delinquency; *Provided, however*, That fines imposed by any Court Martial, shall be collected immediately after judgment is rendered for the same, and no stay of execution shall be allowed, but on the contrary, the proceeding of the Court Martial, showing the state of the case, and such officer named to have been fined, which proceeding, when attested and signed by the President of said Court, shall entitle the person prosecuting the same to a judgment in favor of his brigade, or the State of Minnesota, as the case may be, the proceedings of any Court Martial attested as required by this Act, shall serve in all Courts of justice as a transcript from any other docket, and such Courts shall render judgment forthwith, and issue execution accordingly.

Fine of Major General

Collection of fines

FINES, ETC., FOR DISTURBING MUSTERS.

SEC. 23. If any non-commissioned officer, musician, private, bystander or inspector, at any officer, regimental, squadron, battalion or company muster or parade, or at a meeting of officers, authorized or required by this Act, shall molest any officer or soldier when on duty, the commanding officer may order and require such person or persons to be put under guard for any time not exceeding six hours, and such non-commissioned officer, musician, or private, may moreover be returned by such commanding officer to the next Brigade Court of Inquiry for the assessment of fines, and may be fined in any sum not less than one nor more than ten dollars, which fine shall be collected and applied as other fines under the provisions of this Act; and any officer or soldier appointed as guard, or placed upon duty as a sentinel at any muster, parade or encampment held under the provisions of this Act, is hereby authorized and required to discharge that duty, maintain his post, and guard the lines, to protect

Penalty for disturbing musters &c

the muster, parade or encampment, by using such force as will be necessary and sufficient to effect the same.

FINES AGAINST MINORS AND OTHERS.

Guardians &c., responsible for minors &c

SEC. 24. All property held in common by any association or association of persons, whose tenets or rules require a community of property, shall be holden for the payment of any and all fines assessed under the provisions of this Act, against any member or members of such association, for the non-performance of military duty, and in all cases a father shall be bound for his son, guardian for his ward, and master for his apprentice, under the provisions of this Act, for all fines against minors.

FINES AND CIVIL AUTHORITIES.

Fines to be collected by process from courts

SEC. 25. That in all cases where fines or penalties are incurred in accordance with the provisions of this Act, the company, squadron, battalion, or regiment, brigade or court martial before whom, or on whose accounts the same are assessed, or incurred, shall have process from any Courts in the State with the proper county, and of competent jurisdiction, to enforce the same to final judgment and execution, and in all cases the records of such company, regiment, brigade or court martial, shall be received as *prima facie* evidence; *Provided*, That in all cases that the defendant on trial may prove in evidence any irregularity in the assessing of such fines, or any other lawful matter of defence not reacting back of the organization of such company, or the enrollment of defendant.

COSTS—HOW PAID.

Costs of suits when the State fails

SEC. 26. All costs made by virtue of any suit brought to recover fines of any description, where the State fails, shall be paid out of the military fund of the brigade or brigades, if any more than one brigade is interested in such suit.

POWER OF SHERIFFS AND MAYORS IN RIOTS, ETC.

Powers of sheriffs and mayors in riots &c

SEC. 27. That in cases of riot or insurrection, if any commandant of an independent or volunteer company, or any commandant of a squadron, battalion, regiment, brigade or division, shall refuse or neglect to appear with such military force at the time and place that the proper Sheriff of the county, or Mayor of the city shall direct, such officer shall be fined in any sum not exceeding one hundred dollars nor less than ten dollars, on complaint of said Sheriff or Mayor before any Court having competent jurisdiction; on every non-commissioned officer, musician or private, who refuses or

neglects to turn out and appear immediately on being notified by any proper officer of his brigade, shall be fined in any sum not exceeding ten dollars, to be collected as herein provided; the aforesaid fines when collected shall go into the military fund; *Provided*, That in all cases of demand or requisition for a military force by the Sheriff or Mayor, it shall be by application to the superior commissioned officer in rank at the time present in the city, town or county where such service is required.

COMMANDS TO CALL OUT TROOPS.

Commandants to call out their companies for suppression of riots &c

SEC. 28. Commandants of divisions, brigades, regiments, battalions, squadrons, or companies, shall have power and are hereby required to call out their respective commands for the suppression of riots, or to assist civil officers in the execution of the laws, when called upon to do so by the proper authorities, and shall be furnished with ammunition, to be paid for out of the county treasury, on the order of the commanding officer of such military force.

PAY WHEN UNDER ORDER OF THE SHERIFF OR MAYOR.

Pay while under orders of Sheriff

SEC. 29. All commissioned and non-commissioned officers, and each and every member of any independent company, or volunteer company, shall receive one dollar and fifty cents per day, or one dollar and fifty cents per night, or three dollars for each day and night together, when serving under the order of a Sheriff of their county, or the order of the Mayor of the city, to suppress riots, mobs, or to enforce the civil laws, to be paid out of the county treasury, on the order of said Sheriff or Mayor aforesaid.

MUSTERS IN EACH YEAR.

Annual company musters

SEC. 30. There shall be three company musters in each year, from nine o'clock A. M. until four P. M., of each day between the first of April and the first of September; at such time and place as the commandant of such company shall direct, which shall be held at a convenient place to meet, and whenever there is not a sufficient number of companies in any brigade to be organized into squadrons, battalions or regiments, so as to perform camp duty, such company shall muster, two days in each year, between the first of September and the first of November, and each day's muster it shall be the duty of the commandant of each company to have the roll called by one of the sergeants of his company, at 10 o'clock, A. M., and shall note all delinquents.

ENCAMPMENT MUSTER.

SEC. 31. There shall be held once in each year a brigade muster and encampment of all the volunteer militia in each

brigade, commencing at 10 o'clock, A. M., and continuing not more than six nor less than two days. Said muster and encampment shall be held at the most suitable place, to be selected by the brigade quarter master under the direction of the commandant of brigade, and the officers and soldiers forming such encampment shall be drilled in accordance with the requirements of the rules and usages of the United States Army, and the commandant of each brigade shall give thirty days public notice of the time and place of such muster, which shall be held in the month of July, August or September.

Annual encampments of companies in each brigade.

Public notice of the time and place

Review and inspection

SEC. 32. It shall be the duty of the commandant of division, during the encampment aforesaid, to review and cause to be inspected, each brigade of volunteer militia within his division; *Provided*, That he shall not be compelled to visit more than three brigades in any one year.

BRIGADE COURT—HOW ORGANIZED.

Brigade court—how organized

SEC. 33. A Brigade Court for the assessment of fines on all delinquents, consisting of the commandant of brigade, and the commandants of regiments, battalions or squadrons, and such other commissioned officers as the commandant of brigade may designate; *Provided*, That whenever there is no regiment, battalion or squadron officers within such brigade, then the commandant of brigade shall hold such brigade Court, composed of the company officers of any independent or volunteer company or companies within the bounds of his brigade, or shall hold such court composed of his own staff, or both and all, he may think proper; which Court shall be held on that day two weeks from the first day of the encampment muster held as aforesaid, and the commandant of brigade shall give notice to all present at the time of encampment muster at what time and place said brigade Court is to be held.

POWER TO APPROPRIATE FUND.

Brigade Court may appropriate funds

SEC. 34. The officers constituting said brigade courts shall sit to assess fines upon all brigade, commissioned and staff officers, returned to the said Court by the brigade inspectors. Said officers shall also act as a board of appropriation, distribute and apply the fund as they shall deem best calculated to promote the efficiency and thorough discipline of the volunteer militia; *Provided*, That all appropriations of the military fund shall be in accordance with the requirements of this Act.

BRIGADE INSPECTORS TO COLLECT FINES.

SEC. 35. The Brigade Inspector shall attend Brigade Court,

and keep an accurate record of the proceedings, and also of the appropriation of the military fund, and shall make a list of all fines by the Brigade Court, including also, the fines assessed on delinquent brigade commissioned staff officers, a copy of which list, signed by the commandant of brigade, as president of said Court, and attested by himself as Inspector of brigade, he shall forthwith transmit to the Treasurer of said county in said brigade, and another attested copy to every Justice of the Peace of the township wherein such delinquent resides, and the Justice shall then proceed according to the provisions of this Act, and any person interested can attend to prosecute said suits. And said Justice shall render judgment, and pay over all moneys collected by him to the County Treasurer of said county, to belong to said military fund in the proper brigade, and by him shall be received, disbursed, and accounted for in the same manner as he is required to do in the military fund herein provided for, and all persons fined and feeling aggrieved may appeal from the decision of the Justice of the Peace.

Brigade inspectors to collect fines

CAMP EQUIPAGE AND COLORS, TO BE FURNISHED.

SEC. 36. Every volunteer company and every field officer shall be furnished with camp equipage, and every volunteer company, regiment, squadron, and battalion, shall be furnished with suitable colors, to be paid for out of the military fund, as in other cases, and each company shall be entitled to and receive from such unexpended military fund in their respective counties, the sum of ten dollars for the purchase of musical instruments.

Camp equipage and colors, how purchased.

COMPENSATION OF OFFICERS.

SEC. 37. Brigade Inspectors shall be allowed such compensation by the Board of Appropriation as they shall decree just and reasonable, and members of Brigade Courts, at the rate of ten dollars per day for their services, for the period aforesaid. The Quartermaster General, for the prompt and full discharge of all the duties enjoined upon him, shall receive an annual salary of four hundred dollars, and the Adjutant General, for a full discharge of his duties, shall receive an annual salary of three hundred dollars, both to be paid semi-annually out of the State Treasury, on the order of the Auditor of State, approved by the Commander-in-Chief.

Compensation of officers to be paid out of State Treasury

SEC. 38. If after paying all drafts upon the military fund, hereinbefore specified, there shall remain a surplus in any division or brigade, it shall be appropriated to procure or build a suitable armory in which to preserve and safely keep the arms and equipments of the State, under the direction of the commandant of brigade, and paid for upon his order out of the fund aforesaid.

Armory, appropriation for building

ARMY REGULATIONS.

Army regulations

SEC. 39. All parades, musters and encampments held under the provisions of this Act, shall be governed as near as may be, by the rules and regulations adopted for the government of the army of the United States.

OLD OFFICERS MAY HOLD THEIR COMMISSIONS.

Commissions of old officers, extended

SEC. 40. The commissioned officers of all companies, squadrons, battalions or regiments, exempt from military duty by the provisions of this Act, who are now uniformed and equipped as required by law, may hold their commissions for five years from the date thereof, and may, at their option, attend the brigade musters required by this Act, and shall hereafter be exempt from the performance of military duty in time of peace, and from the payment of fines required by this Act.

CERTIFICATE TO COMMISSIONED OFFICERS.

Certificate to commissioned officers

SEC. 41. All officers appointed according to the provisions of this Act, shall be entitled to a certificate from the office making such appointment, which certificate and taking the necessary oath, shall entitle such officer to command, and to perform such other duties as may pertain to the office to which he is elected, until the commission can be procured, and in all cases the officers giving such certificate shall administer to such officer the necessary oath of office, and endorse the same upon the back of his certificate, with the day and date on which such oath was administered; *Provided, also*, That every staff officer who may be appointed shall also be entitled to a certificate in like manner.

RESIGNATION.

Resignations

SEC. 42. For good cause shown, the Commander-in-Chief may accept the resignation of Major-Generals; Major-Generals may accept the resignation of Brigadier-Generals, within their respective divisions; Brigadier-Generals may accept the resignation of Colonels, or the commandants of regiments, Lieutenant-Colonels, Majors, Captains and Lieutenants; and for good cause shown, the commandant of any regiment, squadron, or battalion, shall accept the resignation of any regimental squadron or battalion staff officer; *Provided, also*, That Brigadier and Major-Generals may accept the resignation of their staff officers; and in all cases, when a resignation is accepted, the cause of such resignation shall be endorsed by the officer accepting the same, on the back of the commission so resigned, but the command of such officer shall not cease until the officer accepting such resignation shall have endorsed his acceptance.

NUMBER OF OFFICERS.

SEC. 43. The Commander-in-Chief shall have the power to appoint, according to the provisions of Sec. 5 of this Act, to each division of the militia of this State, one Major-General; to each Brigade, one Brigadier-General; to each regiment of volunteer militia, there shall be one Colonel, one Lieutenant-Colonel and one Major; to each battalion of artillery, infantry, light-infantry or riflemen, and to each squadron of cavalry volunteer militia, there shall be one Lieutenant-Colonel and one Major, and to each company of volunteer militia, there shall be one Captain, one First Lieutenant, one Second Lieutenant, one Third Lieutenant, and one Ensign, four Sergeants, four Corporals, and with the exception of cavalry companies, there shall be two fifers and two drummers; but all cavalry companies to have one or more buglers; *Provided*, That whenever the proper commandants of the several divisions, brigades, regiments, squadrons, battalions or companies, shall not be present at any muster, drill or parade, the highest officer in rank, who is present, shall take command, and be commandant of the same for the time being, and if two officers of the same rank are present, the oldest in appointment or commission, shall take command. Number of officers for each division

STAFF OFFICERS.

SEC. 44. There shall be attached to the Commander-in-Chief, and to the several divisions, brigades, regiments, squadrons and battalions, the following staff officers, to-wit: The staff of the Commander in-Chief shall consist of one Adjutant-General, who shall discharge the duties of Inspector-General; one Quartermaster-General, one Paymaster-General, two Aids-de-Camp, one Engineer-in-Chief, and one Judge-Advocate-General, who shall be appointed by the Commander-in-Chief. To each division there shall be one Division Inspector, who shall discharge the duties of Assistant Adjutant-General, one Assistant Quartermaster-General, two Aids-de-Camp, one Assistant Engineer-in-Chief, and one Assistant Judge-Advocate-General. To each brigade, there shall be one brigade Major, to serve as Brigade Inspector, two Aids-de-Camps, one Brigade Quartermaster, one Brigade Engineer, one Brigade Judge-Advocate, one Brigade Surgeon, and one Brigade Chaplain, which Brigade Staff shall be appointed by the Commander-in-Chief. To each regiment or battalion of artillery, rifle, infantry, or light-infantry, there may be one Chaplain, and there shall be one Adjutant, one Quarter-master, one Surgeon, one Surgeon's Mate, one Sergeant Major, one Quartermaster Sergeant, one Drum Major, and one Fife Major, to be appointed by the commandant of such regiment or battalion, and it shall be the duty of the Drum Major to examine and report to the commandants of regiments or bat- Staff officers

talions, upon all instruments of music which shall be purchased for the use of the regiment or battalion, and no such instruments of music shall be paid for out of the funds of the regiment or squadron until approved by them. To each regiment or battalion of cavalry, there shall be one Adjutant, one Quartermaster, one Pay-master, one Surgeon, one Surgeon's Mate, one Quartermaster Sergeant, one Sergeant Major, and two regimental or squadron Buglers, which shall be appointed by the commandant of such regiment or squadron.

RANK OF STAFF OFFICERS.

Rank of Staff officers

SEC. 45. The staff officers herein enumerated shall rank as follows, viz: The Quartermaster General and Adjutant General as Brigadier Generals; the Paymaster General, Engineer-in-Chief, Judge Advocate General, and Aids-de-Camp to the Commander-in-Chief, as Colonels; the Division Inspectors, Division Engineers, Division Judge Advocate, and Division Quartermasters, as Lieutenant-Colonels; the Aids-de-Camp to the Major Generals, as Majors; the Brigade Inspectors, Brigade Engineers, Brigade Judge Advocate, as Majors; the Brigade Quartermaster and Aids-de-Camps to Brigadier Generals, Chaplains and Surgeons, as Captains; company Ensigns, Adjutants, Quartermasters, Paymasters, Surgeon's Mates of regiments, battalions and squadrons, as Lieutenants; and all other regimental, battalion or squadron staff, as non-commissioned officers.

Staff officers to be commissioned

SEC. 46. All staff officers of the rank of Lieutenant and upwards, shall be commissioned as other officers, and (except Chaplains,) shall attend muster of the divisions, brigades, regiments, squadrons, or battalions, and shall obey all other orders legally given by the proper officers commanding the corps to which they belong; and any commissioned officers, (except appointed officers,) shall be removed from office only by courts martial.

PUBLIC ARMS TO BE KEPT AY ASSISTANT QUARTER-MASTER.

Public Arms to be kept by Assistant Quartermaster

SEC. 47. All the public arms, ammunition, accoutrements, camp equipage and military stores belonging to any division of the militia of this State, shall be under the care and superintendence of the Assistant Quartermaster General of such division, who shall have power to employ suitable persons to clean and repair any arms or articles which may require it, and certify any reasonable and just account which may be rendered for cleaning and repairing; and for transporting such arms and military stores, to any place where they may be ordered by the Commander-in-Chief of divisions, which account thus certified, shall be allowed by the Auditor of State, and paid as other accounts against the State are paid; and such Assistant Quartermaster General shall receipt for

all articles delivered to his charge, and account for the same at any time when called on so to do by the commandant of division, or Quarter master General of the State.

PENALTY OF DETAINING ARMS.

SEC. 48. If any person or persons shall be found guilty of selling or disposing of any arms, accoutrements, or any camp equipage, belonging to the State of Minnesota, every person so offending, or being guilty of such act, shall forfeit and pay over for every musket, sword, sabre, pistol, or cannon, double the contract price for such article, as estimated at or by the Ordnance Department at Washington City, with costs of suit, or if any person or persons shall be found guilty of holding or secreting or hiding, detaining or refusing to give up or deliver any of the arms or camp equipage aforesaid, shall pay double the contract price, with costs of suit; and if said sum is not paid by such person or persons, after judgment rendered against him, her or them, within ten days, or bail put in for stay of execution, an execution shall issue, and such person may be confined in the county jail by order of the commandant of brigade, [for any time not exceeding thirty days, at the expense of the proper brigade,] or at the expense of the State, if then paid, to be paid out of the military fund, and any Justice of the Peace of the township where the person or persons reside, shall have jurisdiction to try all cases under one hundred dollars, but all suits brought for one hundred dollars or more, shall be tried in any Court having competent jurisdiction for the collection of such fines; and when such fine is paid over by the defendant or defendants, it shall be paid over into the State Treasury, after paying the costs of confining any one in jail; *Provided*, That any and all persons who have a legal right to hold or keep any of the articles named in this section, shall not be liable by this Act. All suits shall be brought in the name of the State of Minnesota, and may be prosecuted by the commandant of brigade, or any person he may authorize so to do. Persons claiming to have a legal right to hold any of the articles named in this section, on demand of the proper officer, shall show a written authority, signed by the Quarter-master General, or commandants of divisions, brigades, regiments, squadrons or battalions. Penalty for detaining arms

ARRESTS.

SEC. 49. On complaint of a commissioned officer, made in writing, to a superior officer, touching the conduct of any officer, such superior shall, if he think the complaint a sufficient one for an arrest, cause the officer against whom such complaint is made to be arrested, and when any officer is arrested as aforesaid, the officer whose duty it is to arrest, shall notify the officer arrested, in writing, that he is suspended, Arrests, on complaints

from command until acquitted from such arrest, stating the ground of arrest and place of trial.

COURTS MARTIAL.

Courts Martial, summons to be obeyed—penalty

SEC. 50. In all cases where an officer is arrested, the officer who orders the arrest shall issue any summons that may be applied for by either of the parties, and parties so applying, or any person whom the officers granting such summons may appoint, may serve the same and endorse the time and service, which shall be at least three days previous to the sitting of the Court Martial, and shall make return thereof, and any person who refuses or neglects to attend a Court Martial after being duly summoned, shall be fined in any sum not exceeding fifty dollars, which fines shall be collected and applied as other fines under the provisions of this Act, and any Court Martial shall have power to issue compulsory process to compel the attendance of witnesses who refuse or neglect to attend when legally summoned.

MAJOR GENERALS, BRIGADIER GENERALS—HOW TRIED.

Major Generals and Brigadier Generals—how tried

SEC. 51. Major Generals shall be tried by Court Martial appointed by the Commander-in-Chief, where a Major General shall preside, Brigadier Generals shall be tried by Court Martial appointed by a Major General, where a Brigadier General shall preside; and all staff officers ranking as Brigadier Generals, shall be tried by the same Courts as Brigadier Generals; Colonels, Lieutenant-Colonels, Majors, Captains and Lieutenants, or any staff officer ranking as such, shall be tried by a Court Martial appointed by a Brigadier General, where a Colonel shall preside, if there is any within the bounds of the brigade, and if not, then a Lieutenant-Colonel or Major shall preside; but if there is neither a Lieutenant-Colonel nor Major, then a Captain or Lieutenant shall preside; each Court Martial shall consist of no less than five, nor over thirteen members, and to be of rank as near as may be, to the rank of the officer to be tried, if such can be found within the bounds of any brigade; all Courts Martial shall have power to punish any officer for neglect of duty, disobedience of orders, or any other conduct unbecoming an officer, by suspension, fining, cashiering, or disqualification to hold any office in the volunteer militia of this State, and in all cases, the president of such Court Martial shall cause two certified copies of the sentence to be made out, which shall be signed by the president and attested by the judge advocate, one of which the president shall forward to the officer who ordered said Court Martial, and the other shall be delivered to the Brigade Inspector of his brigade, but a record of the proceedings must remain in the hands of such Court Martial for the purpose of collecting fines, or any other purpose,

Court Martial—how formed

where fines may be assessed against any person by the sentence of a Court Martial, and the sentence has been approved of by the officer ordering the Court Martial, he shall certify the same, and cause the same to be collected as provided by this Act.

SEC. 52. When any Court Martial shall have met agreeably to the provisions of this Act, the president of such Court shall administer to the judge advocate the following oath; and after being sworn, the judge advocate shall administer to the president and other members of the Court, the same oath, viz: "You, and each of you, do solemnly swear (or affirm) that you will well and truly try and determine, according to evidence, the matter now before you, between the United States, (or the State of ——, as the case may be,) and the person to be tried, and that you will truly administer justice according to law, without partiality, favor or affection, according to your conscience, and the best of your understanding and custom of war in such cases; you do further swear (or affirm) that you will not divulge the sentence of the Court until it shall be published by proper authority, neither will you disclose the opinion of any particular member of the Court, unless required to give evidence thereof in a Court of Justice, in the name of the United States, (or of the State of ——, as the case may be,") but shall so far consider himself as counsel for the person accused as to object to any illegal question put to the prisoner, or the person accused, or any witness, the answer to which might tend to criminate himself. He shall also see right and justice done to the defendant on all questions which may arise in a Court Martial; the youngest in commission and the lowest in rank shall vote first, and so on in succession, to the oldest and highest in rank, and every person giving evidence before a Court Martial, shall be examined on oath or affirmation, and all officers composing a Court Martial shall be in uniform.

Form of oath to be taken by members of Courts Martial

SEC. 53. The party tried by a Court Martial shall be entitled to a copy of the sentence and proceedings of each Court Martial after the decision, where demanded by him, or any person in his behalf; the commanding officer of the time being, shall have full power of pardoning or mitigating any penalty ordered to be inflicted on any non-commissioned officer, musician or private, for a breach of the provisions of this Act, by Court Martial; and every officer convicted as aforesaid, by any Court Martial, may be pardoned, or have the penalty mitigated by the officer ordering said Court Martial.

Rights of the party tried

SEC. 54. The rules and articles of war, and the rules and customs which govern a Court Martial composed of officers of the army of the United States, shall, in all respects, govern all Courts Martial held under the provisions of this Act, and the Commander-in-Chief, Major Generals and Brigadier Generals, shall have power to order a Court Martial, to be

Pardoning power, in whom vested

Courts Martial, rules governing

held at such time and place as they order, when the same may be necessary to carry into effect any of the provisions of this Act not herein expressly provided for, and in all cases, the officer ordering the Court Martial, may confirm or disapprove the sentence thereof.

Courts of inquiry, —how organized and proof used

SEC. 55. Any superior may immediately after he has arrested any officer, appoint no less than three nor over five officers, as near the rank of the officer arrested as he can conveniently get for that purpose, and shall summon them to meet at a certain time and place, and when met, shall constitute a Court of Inquiry, whose duty it shall be to inquire into the charges on which such officer was arrested, and if a majority of said Court are satisfied that such charges are not sufficient to cause a Court Martial to assemble in said case, or if they are satisfied the charges are sufficient, they shall, in either case, forthwith report the same, under seal, to the officer who ordered the arrest, and such officer ordering the arrest shall, immediately after receiving the report of said Court, either discharge the officer arrested, or summon a Court Martial forthwith to try him. The officer ordering the arrest shall be governed by the Court of Inquiry, and the members and witnesses attending a Court of Inquiry shall be paid as the members and witnesses of a Court Martial are paid; and the officer who orders the arrest shall designate what officer is to preside over the Court of Inquiry, which Court shall have the same power to compel the attendance of witnesses as Courts Martial, and either party may serve any process allowed by Court Martial, and all officers composing a Court of Inquiry shall be in full uniform.

COMMANDER-IN-CHIEF.

Commissary department—its organization

SEC. 56. The Commander-in-Chief, whenever in his opinion it becomes necessary, may organize a Subsistance or Commissary Department, [by appointing a Commissary General, or a General of Subsistence Department,] with the rank of Brigadier General, and such other Assistant Commissaries as he may think necessary, or the good of the service may require it, with such rank as is conferred on officers of the same station in the army of the United States; and may also appoint such number of storekeepers and other officers as the good of the service may require, and may order any or all such officers into actual service when their services become necessary.

Medical department—its organization

SEC. 57. The Commander-in-Chief, whenever in his opinion it becomes necessary, may complete the organization of the Medical Department, by appointing a Surgeon General, with the rank of Colonel, and for each division a Hospital Surgeon with the rank of Lieutenant-Colonel, and for each brigade a Hospital Surgeon with the rank of Major, and may call any or all of said officers into actual service, when their services may be found necessary.

SEC. 58. The Adjutants of regiments, squadrons and battalions, shall attend to and record all returns from the Commandants of regiments, squadrons and battalions, and record the same in a book to be provided for that purpose, and shall perform such other duties as may from time to time be required of them by the commandants of their regiments, squadrons and battalions; *Provided*, That when any Adjutant shall be absent in command, the commanding officer shall appoint a suitable person to do the duty of the Adjutant. Adjutants to keep records of returns

SEC. 59. The rules and articles of war, and the rules and customs which govern a Court Martial composed of officers of the Army of the United States, shall in all respects govern all Courts Martial held under the provisions of this Act; and the Commander-in-Chief, Major Generals and Brigadier Generals, shall have power to order a Court Martial to be held at such time and place as they think proper, when the same may be necessary to carry into effect any of the provisions of this Act, not herein expressly provided for; and in all cases, the officer ordering the Court Martial may confirm or disapprove the sentence thereof. Court Martial—rules governing. [See Sec. 53]

SEC. 60. Any superior may immediately after he has arrested any officer, appoint not less than three nor over five officers, as near the rank of the officers arrested as he can conveniently get for that purpose, and shall summon them to meet at a certain time and place, and when met shall constitute a Court of Inquiry, whose duty it shall be to inquire into the charges on which such officer was arrested, and if a majority of said Court are satified that such charges are not sufficient to cause a Court Martial to assemble in said case, or if they are satisfied the charges are sufficient, they shall in either case, forthwith report the same, under seal, to the officer who ordered the arrest, and such officer ordering the arrest, shall, immediately after receiving the report of said Court, either discharge the officer arrested, or summon a Court Martial forthwith, to try him. The officer ordering the arrest shall be governed by the Court of Inquiry, and the members and witnesses attending a Court of Inquiry shall be paid as the members and witnesses of a Court Martial are paid, and the officer who orders the arrest shall designate what officer is to preside over the Court of Inquiry, which Court shall have the same power to compel the attendance of witnesses as Courts Martial, and either party may serve any process allowed by Court Martial, and all officers composing a Court of Inquiry shall be in full uniform. Courts of inquiry, how organized, and purpose. [See Sec. 54]

SEC. 61. There shall be allowed to the officers composing any division, brigade, regimental, squadron or battalion Courts Martial, and to the Judge Advocate thereof, one dollar and fifty cents each day they may be necessarily engaged in traveling to and from, and attending at such; the Provost Marshal shall have such compensation as is allowed to Sheriffs for similar services in civil cases, and to each wit- Fees for serving on Courts Martial

ness twenty-five cents for each day he may attend under a summons, and for each day in traveling to and from the same, which compensation shall be paid out of the State Treasury, on the order of the President of the Court Martial, which order the Auditor of State shall endorse.

Armories to be rented

SEC. 62. If, after paying all drafts upon the military fund hereinbefore specified, there shall remain no funds, the Commander-in-Chief is hereby authorized to rent or purchase a suitable armory for any division or brigade, the same to be paid out of the treasury of the city, county or counties which form such division or brigade.

Blank form of Rolls, bonds, &c., to be furnished

SEC. 63. The Adjutant General of the State shall furnish to the commandants of divisions, for the use of their brigades, blank forms of rolls, bonds, and of the different returns that may be required from time to time by this Act, and explain the principles on which they should be made.

Publication of this Act with forms attached

SEC. 64. The Commander-in-Chief shall cause two thousand copies of this Act to be printed in book form, which books shall have attached to them all the necessary forms by which all returns can be made of companies, regiments, squadrons or battalions; also brigades and divisions, which pamplet shall be immediately distributed and forwarded to the county seats of the several brigades, as other laws are, and in due time to be directed to the Brigadier Generals, or commandants of said brigades, who shall be bound to receive and distribute as circumstances may require.

Repeal of all other Militia laws

SEC. 65. The Act entitled "An Act to Organize and Dicipline the Militia and Voluntary Militia," and all acts and parts of acts amendatory thereto, or inconsistent with this Act, are hereby repealed. This Act to take effect immediately after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXVIII.

An Act to regulate Corporations for Manufacturing, Mining, Agricultural, Mechanical and Chemical purposes.

SECTION 1. Formation of Companies for manufacturing, mining, agricultural, mechanical and chemical purposes—certificate to be acknowledged.
2. Certificate to be filed with Register of Deeds.
3. Corporate powers vested in the parties signing and acknowledging certificates.
4. Corporation to be managed by Directors, to be elected.
5. Election of Directors.
6. Elections to be by ballot—each share of stock entitled to one vote.
7. Failure to elect Directors on the day designated, no dissolution of corporation.
8. Powers of the Directors.
9. Payment of capital stock—sale of stock for non-payment.
10. Stock to be deemed personal estate, and transferrable.
11. Joint and individual liability of stockholders, for debts due clerks, laborers and servants of the Company.
12. Stockholders at the time debt is contracted—individually liable therefor for five years.
13. Stock held by administrators or guardians, or by parties as collateral security, to be considered as in ownership of party pledging the same.
14. Right of Executors, &c., and of persons pledging stock to vote the stock at meetings of the corporation.
15. Capital stock to be paid in money—loan to stockholders prohibited.
16. Right of Legislature to amend or repeal this chapter, or corporations created under it.
17. Increase or diminution of capital stock.
18. Public notice thereof to be given, and special notice to each stockholder.
19. Meeting of stockholders, and proceedings to determine the question of increasing or diminishing the stock.
20. Record of stockholders, and transfer of shares, to be kept for the inspection of stockholders or creditors.
21. Prohibition of banking powers, under this chapter.
22. Act takes effect on passage, and repeals acts inconsistent herewith.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Any three or more persons desirous of forming a corporation for the purpose of carrying on any kind of manufacturing, mining, lumbering, agricultural, mechanical or chemical business, may make, sign and acknowledge, before some officer authorized to take the acknowledgment of deeds, a certificate in writing, in which shall be stated the name of such corporation, and the objects for which the corporation shall be formed, the amount of the capital stock of such corporation, the term of its existence, which shall not exceed thirty years, the number of shares of which said stock shall consist, the number of directors and their names, who shall manage the concerns of said corporation for the first year, and the names of the town and county in which the operations of the said corporation are to be carried on.

Formation of companies—Certificate to be acknowledged

Certificate to be filed with Register of Deeds

SEC. 2. Such certificate shall be recorded in the office of the Register of Deeds of the county in which the business of the corporation shall be carried on, and a duplicate thereof shall be filed in the office of Secretary of State.

Corporate powers to whom vested—purchasing real estate, proviso

SEC. 3. When such certificate shall have been recorded as aforesaid, the persons who shall have signed and acknowledged the same, and their successors, shall be a body politic and corporate, by the name stated in such certificate, and by that name may have succession; and shall be capable of suing and being sued, and they may have a common seal, and may alter the same at pleasure; and they shall by their corporate name, be capable of purchasing, holding and conveying any real and personal estate whatever, which may be necessary to enable the said corporation to carry on the business named in the certificate, but shall not mortgage the same or give any lien thereon; *Provided*, That the amount of real estate so owned and held, shall not at any time exceed forty acres to each stockholder in such corporation.

Directors to manage business of corporation

SEC. 4. The stock, property and concerns of such corporation, shall be managed by not less than three, nor more than nine directors, who shall respectively be stockholders in such corporation, and who shall, except the first year, be annually elected by the stockholders, at such time and place as shall be directed by the by-laws of the corporation.

Election of Directors

SEC. 5. Public notice of the time and place of holding such election shall be given not less than ten days previous thereto, by publication in the newspaper in the State, printed nearest the place where the business of the corporation shall be carried on, or in such other manner as shall be prescribed by the by-laws of the corporation; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy.

Election by ballot not by shares of stock

SEC. 6. All elections shall be by ballot, and each share of stock shall entitle the owner to one vote in said corporation; and the persons receiving the majority of votes shall be directors; and when any vacancy shall happen among the directors, by death, resignation or otherwise, it shall be filled for the remainder of the year, in such manner as may be provided for by the by-laws of said corporation.

Failure to elect on any day designated

No dissolution of corporation

SEC. 7. In case it shall happen at any time, that an election of directors shall not be made on the day fixed for such election by the by-laws of said corporation, the corporation for that reason shall not be dissolved; but it shall be lawful on any other day to hold an election for directors, as shall be provided for by the said by-laws, and all acts of the directors shall be valid and binding as against such corporation, until their successors shall be elected; *Provided*, That if any corporation formed under the provisions of this Act, shall neglect, or refuse for a longer time than three years, to elect directors thereof, then, thereafter, for that reason said corporation shall be and remain dissolved.

Powers of Directors

SEC. 8. The directors shall have power to make and prescribe such by-laws, rules and regulations respecting the management, control and disposition of the stock, property and business of such corporation, as they may deem expedient and proper, not inconsistent with the constitution and laws of the United States, or of this State, and shall have power to appoint and employ officers, clerks and servants for conducting and carrying on the business of such corporation; and determine their duties and salaries and wages to be paid them.

Payment of capital stock. Sale of stock for non-payment

SEC. 9. It shall be lawful for the directors to call in and demand from the stockholders respectively, all such sums of money by them subscribed, at such times, and in such payments or installments, as the directors shall deem proper; and if any stockholder shall fail to pay the amount so required to be paid, and at the time required for such payments, the stock of such delinquent stockholder, or such portions thereof as may be required to meet such payment, may be sold by the directors at public auction, after giving public notice of the time and place of such sale at least thirty days previous thereto, by publication of such notice in the newspaper in the State, printed nearest the place of business of such corporation, or by giving such notice in such other manner as shall be prescribed by the by-laws of such corporation; and the surplus, if any, arising from the sale of such stock, over and above the amount due thereon, shall be paid by the directors to such delinquent stockholder; and a transfer of stock so sold, made by the directors in the name of the holder of the stock, shall vest a good and valid title thereto in the purchaser; or the said corporation may commence and prosecute, in any Court of competent jurisdiction, an action against any subscriber for stock in said corporation, and recover judgment for the amount due on his subscription, with interest thereon from the time the same was required to be paid, and have execution therefor.

Stock deemed personal estate and transferable

SEC. 10. The stock of said corporation shall be deemed personal estate, and shall be transferrable in such manner as shall be prescribed by the by-laws of the corporation, but no shares shall be transferable until previous calls thereon shall have been fully paid in, or they shall have been sold, as provided in the preceding section, for the non-payment of calls thereon; and it shall not be lawful for such corporation to use any of their funds in the purchase of any stock in any other corporation.

Individual liability for wages of employees

SEC. 11. The stockholders of any corporation organized under the provisions of this Chapter, shall be jointly and individually liable for all debts that may be due and owing to all their clerks, laborers and servants, for services performed for such corporation.

SEC. 12. All such stockholders shall be jointly and individually liable for the payment of all other debts of such

Individual liability of retiring stockholders for debts contracted

corporation, to be recovered of the stockholder who is such when the debt is contracted; but he shall not be so liable except as mentioned in the preceding section, unless suit shall be commenced against such stockholder for such debt within five years from the time he shall have ceased to be a stockholder in such corporation, nor unless he shall have been a stockholder at the time when such debt or liability was contracted, nor unless an execution issued against the corporation for the collection of such debt shall have been returned unsatisfied in whole or in part.

Ownership of stock held as collateral security, or by administrators &c

SEC. 13. No person holding stock in such corporation as executor, administrator, guardian or trustee, and no person holding stock as collateral security, shall be personally subject to any liability as stockholder of such corporation, but the person pledging such stock shall be considered as holding the same, and shall be liable as a stockholder accordingly, and the estates and funds in the hands of such executor, administrator, guardian or trustee, shall be liable in like manner as the testator or intestate would have been if he had been living, or the ward or person interested in such trust fund would have been, if he had been competent to act, and held the same stock in his own name.

Rights of executors &c and person pledging stock to vote at meetings

SEC. 14. Every such executor, administrator, guardian or trustee, shall represent the shares of stock in his hands at all meetings of the corporation, and may vote accordingly as a stockholder; and every person who shall pledge his stock as aforesaid, may nevertheless represent the same at all such meetings, and may vote accordingly as a stockholder.

Capital stock to be paid in money —loans prohibited to stockholders

SEC. 15. Nothing but money shall be considered as payment of the capital stock of any corporation formed under the provisions of this Chapter, and no loan of money shall be made by any such corporation to any stockholder therein.

Legislature may amend or repeal this act

SEC. 16. The Legislature may at any time alter, amend or repeal this Chapter, or may amend or repeal any corporation formed or created under this Chapter; but such amendment or repeal shall not, nor shall the dissolution of such corporation take away or impair any remedy against any such corporation, its stockholders or officers, for any liability which shall have been previously incurred.

Capital stock how increased or diminished

SEC. 17. Any corporation formed under this Chapter may increase or diminish its capital stock, and may also extend its business to any other manufacturing, mining, lumbering, agricultural, mechanical or chemical business, in the manner hereinafter provided, and any existing company heretofore formed may come under, and avail itself of the privileges and provisions of this Chapter by complying with the following provisions; and thereupon such company, its officers and stockholders shall be subject to all the restrictions, duties and liabilities of this Chapter.

SEC. 18. Whenever any company shall desire to avail it-

self of the provisions and privileges of this Chapter, or shall desire to increase or diminish the amount of its capital stock, or extend or change its business, a meeting of the stockholders shall be called by the directors, whose duty it shall be to publish a notice of such meeting, signed by a majority of them, in a newspaper published in the county, if any shall be published therein, and if none, then in a newspaper in the State, printed nearest the principal place of business, at least three successive weeks, and to serve personally on each stockholder a written or printed copy thereof, or deposit such copy in the post office, addressed to such stockholder at his usual place of residence, at least three weeks previous to the day fixed upon for holding such meeting; such notice shall specify the object of such meeting, the time and place when and where the same shall be held, and the amount to which it is proposed to increase or diminish the capital stock, and the business to which the company would be extended or changed.

Public notice thereof to be given and private notice to stockholders

Sec. 19. At the time and place specified in the notice provided for in the preceding section, the stockholders present in person or by proxy shall organize by choosing one of the directors chairman of the meeting, and also a suitable person for secretary, and proceed to vote, and if on canvassing the votes it shall be found that votes representing at least two-thirds of all the shares of stock of such company have been given in favor of increasing or diminishing the amount of capital, or of extending or changing its business, or in favor of availing itself of the provisions and privileges of this Chapter as aforesaid, a certificate of the proceedings showing a compliance with the provisions of this Chapter, the business to which the company is extended or changed, and the amount to which the capital stock shall be increased or diminished, shall be made out, signed and verified by the affidavit of the chairman and secretary, and such certificate shall be acknowledged by the chairman and secretary, and filed and recorded, as required by the First section of this Chapter, and when so filed and recorded, the capital of such corporation shall be increased or diminished to the amount specified in such certificate, and the business extended or changed as aforesaid, and the company shall be entitled to the provisions and privileges and be subject to the liabilities of this Chapter, as the case may be.

Proceedings to determine the question of increase or decrease of capital stock

Sec. 20. It shall be the duty of the directors of every such corporation or company to cause a book to be kept by the treasurer or clerk thereof, containing the names of all persons, alphabetically arranged, who are or shall have been within six years, stockholders of such company, and showing their places of residence, the number of shares of stock held by them respectively, and the time when they respectively became the owners of such shares, every transfer of stock, and the amount of stock actually paid in, which books

Record of stockholders and transfer of shares to be kept for inspection

shall, during the usual business hours of the day, on every day, except Sunday, be open for the inspection of stockholders and creditors of the company, and their personal representatives, at the office or principal place of business of such company, in the county where its business operations shall be located, and any and every such stockholder, creditor or representative, shall have a right to make extracts from such books; and no transfer of stock shall be valid for any purpose whatever, except to render the person to whom it shall be transferred liable for the debts of the company, according to the provisions of this Chapter, until it shall have been entered therein, as required by this section, by an entry showing to and from whom transferred; such book shall be presumptive evidence of the facts therein stated, in favor of the plaintiff, in any suit of proceeding against such company, or against one or more stockholders. Every officer or agent of any such company who shall neglect to make any proper entry in such book, or shall refuse or neglect to exhibit the same to be inspected, and extracts to be taken therefrom, as provided by this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding five hundred dollars, or by imprisonment not exceeding six months, and the company shall forfeit and pay for every such neglect or refusal to the party injured thereby, all the damages resulting therefrom; and every company that shall neglect to keep such book open for inspection as aforesaid, shall forfeit and pay the sum of fifty dollars for every day it shall so neglect, to be sued for and recovered in the name of the State by the district or county attorney of the county in which the business of such corporation shall be located.

Prohibition of banking powers

SEC. 21. Any company or corporation formed and organized under the provisions of this Chapter, is hereby prohibited from exercising any banking powers under any pretence whatever, under a penalty of forfeiting their right of incorporation under or by virtue of this Chapter.

SEC. 4. This Act to take effect and be in force from and after its passage, and all acts or parts of acts inconsistent with the provisions of this Act, are hereby repealed.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 12, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXIX.

An Act to provide for the Establishment of State Normal Schools.

SECTIONS 1. Establishment of State Normal Schools and appropriation therefor, upon private donation being made.
2. Appropriation for a Second State Normal School, upon private donation being made.
3. Appropriation for a Third Normal School, upon private donation being made.
4. Appointment of First Board of Directors by the Governor. Their successors in office.
5. Organization of the Board. Its officers.
6. Division of the State into Normal Districts.
7. Location of the Schools by the Board.
8. Location of Schools not to be changed within ten years, except by consent of the Conors.
9. Duties of the Board, to secure the erection of School Buildings, and select Teachers.
10. Prudential Committee to be appointed. Their duties.
11. Tuition to be free.
12. Annual Reports to be made by the Board.
13. Pay of Directors to be provided by law.
14. Visitation of Schools by the Directors of the District.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There shall be established within five years after the passage of this Act, an institution to educate and prepare teachers for teaching in the Common Schools of this State, to be called a State Normal School. There shall be established within ten years after the passage of this Act, a second State Normal School, and within fifteen years a third; *Provided*, there shall be no obligations to establish the first Normal School until the sum of five thousand dollars is donated to the State in money and lands, or in money alone, for the erection of the necessary buildings, and for the support of the professors or teachers in such institution, but when such sum is donated for such purpose, a like sum of five thousand dollars shall be, and hereby is appropriated by the Legislature on the order of the proper officers, and shall be paid out of any moneys in the treasury not otherwise appropriated by law, for the use and benefit of such institution.

State normal schools how to be established

SEC. 2. Whenever a second sum of five thousand dollars shall have been donated to the State for the establishment of a second State Normal School, a like sum of five thousand dollars shall be and hereby is appropriated by the Legislature, and shall be, on the order of the proper officers, paid out of any moneys in the treasury not otherwise appropriated by law for the use and benefit of such institution.

Appropriations by state upon certain conditions

SEC. 3. Whenever a third sum of five thousand dollars

shall have been donated to the State for the establishment of a third State Normal School, a like sum of five thousand dollars shall be and hereby is appropriated by the Legislature, and on the order of the proper officers, shall be paid out of any moneys in the Treasury not otherwise appropriated by law, for the use and benefit of such institution.

First board of directors to be appointed by governor—their successors

SEC. 4. The Governor, within thirty days after the passage of this Act, shall appoint six electors, one from each judicial district, who shall constitute the State Normal Board of Instruction. Those appointed from the even judicial districts, shall hold their offices for the term of four years, and those appointed from the odd judicial districts, shall hold their office for the term of two years. The Legislature shall, during its session in one thousand eight hundred and sixty, elect three Normal Directors to fill the vacancies created by the expiration of the term of office of the three directors appointed from odd districts, and biennially thereafter, the Legislature shall elect three directors to fill the vacancies created by this Act. The legislature shall also fill from time to time all vacancies that may arise by death, resignation, removal from the State, or otherwise: *Provided*, that the Normal Board shall have power to fill any vacancy occurring during the recess of the Legislature till its next meeting.

Organization of the board—its officers

SEC. 5. The Normal Board at their first meeting, which shall be held at the Capital of the State, shall severally take and subscribe an oath or affirmation to support the Constitution of the United States and of the State of Minnesota, and faithfully to execute the trust and discharge the duties of their office. They shall elect one of their number President, who shall continue in office for two years and until his successor is chosen, and they shall appoint some suitable person as treasurer, who shall hold his office for one year, but may be removed at any time at the pleasure of the Board. The Treasurer, before entering upon the duties of his office, shall give bonds in the penal sum of five thousand dollars, faithfully to execute the trust and discharge the duties of his office. The State Superintendent of Public Instruction shall be *ex officio* a member of the Normal Board, and shall be Secretary of the same.

Division of the state into normal districts

SEC. 6. Immediately after the organization of the Board, they shall proceed to divide the State into three Normal districts, uniting in the formation of the first two contiguous judicial districts, of the second, two, and of the third, two.

Location of the schools

SEC. 7. The Normal Schools provided for in this Act shall be located by the Normal Board, but only one shall be located in any one Normal District. In locating any one Normal School, the Board shall have due regard to healthfulness and beauty of situation, to accessibility and general convenience, to the wants of the common schools, and the wishes of donors who may make munificent donations, conditioned upon a particular location.

Change of location—prohibition

SEC. 8. It shall not be within the province of the Legislature or of the Normal Board to remove any State Normal School from its original location, during the period of ten years from its establishment, without the consent of the donor or donors, who made to the State the first donation of five thousand dollars for the foundation of such School.

Erection of buildings and procurement of teachers

SEC. 9. The Normal Board are authorized and empowered to contract for the erection of all buildings connected with the State Normal Schools, to appoint all professors or teachers in such institutions, to prescribe the course of study and the pre-requisites for admission, and in general to adopt all needful rules for the government of said schools.

Prudential committee—their duties

SEC. 10. The Normal Board are authorized annually to appoint for each Normal School, a prudential committee, consisting of three persons, one of whom shall be a member of said Board. Said Prudential committee shall have the general oversight and management of the prudential affairs of the several schools, subject to the order of the Board, to whom they shall each make a detailed report of their doings and of the condition and wants of the particular institution committed to their care.

Tuition to be free

SEC. 11. There shall be no charge for tuition to persons who may be admitted to the privileges of any State Normal School, and who shall sacredly engage to become teachers of the public schools of the State for such times and on such conditions as shall be prescribed by the Normal Board.

Annual report to legislature

SEC. 12. The Board, through the State Superintendent, shall make an annual and detailed report of their doings to the Governor, who shall transmit the same to the Legislature. They shall also report respecting the condition, success and progress of the several Normal schools.

Pay of directors

SEC. 13. The Normal Directors in any Normal District, with the State Superintendent shall be the special visitors of the Normal School in such district, and they, together, or by one or more of their number, or by some competent person or persons of their appointment, shall visit and examine such school at least two days each session, for ascertaining the mode of instruction and the progress of the pupils, and for promoting the best welfare of such institution and of the common schools of the State.

SEC. 14. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 2, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXX.

An Act to Regulate the Traffic in Logs and Lumber.

CHAPTER 1. Sec. 1. Four Surveying Districts established.
2. Boundaries of the District.
3. Surveyor Generals for each District to be elected annually.
4. Location of the offices of Surveyor Generals.
5. Oath of office, and bond to be given by Surveyor Generals.
6. Violation of bond; institution of suits.

CHAPTER 2. Sec. 1. Surveyor General to survey lumber in his District; certificate or bill of amount to the owner.
2. Allowance for defective logs.
3. Scribner's Rule the legal rule for surveys; proviso.
4. Survey of logs running out of booms; bills thereof to be made out.
5. Survey of logs or lumber by Surveyor General out of his own District.
6. Appointment of Deputies by Surveyor Generals.
7. Purchasers scale mark to take precedence of original or antecedent marks.
8. Fees for surveying and scaling logs or lumber.
9. Books of Surveyor General to be open for investigation.
10. Surveyor Generals to make annual report.
11. Record of mortgages, liens and bills of sale by Surveyor Generals.
12. Marks upon logs to be recorded in Surveyor General's office.
13. Record of orders for scaling, to be kept by Surveyor Generals.
14. Certificate of Surveyor General to any marks, conclusive as to its ownership.
15. No logs to be scaled, unless mark is properly recorded.
16. Logs in side booms, unauthorized, to be turned out to owner on notice given.
17. Penalty for defacing marks on logs, or otherwise injuring them.
18. Repeal of Acts inconsistent.
19. Act to take effect January 1, 1859.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

Surveying district

SECTION 1. There shall be and there is hereby created four districts for the purpose of surveying and regulating the survey or measurement of logs, timber, and lumber, within this State.

SEC. 2. The Saint Croix River and its tributaries shall constitute the first district; the Mississippi River and its

tributaries, between the mouth of the Saint Croix River and the mouth of Elk River, shall constitute the second district; the Mississippi River and its tributaries below the mouth of the Saint Croix River, shall constitute the third district; the Mississippi River and its tributaries above the mouth of Elk River shall constitute the fourth district. Boundaries of the districts

SEC. 3. There shall be annually elected by the Legislative Assembly of the State of Minnesota, a Surveyor General for each of the districts aforesaid, who shall be a citizen of the district for which he is elected at the time of his election, and shall enter upon the duties of his office on the first Monday of April next, succeeding his election, and shall hold his office for one year and until his successor is elected and qualified. Election of surveyors by legislature

SEC. 4. The Surveyor General of the first district shall keep his office at the city of Stillwater, of the second district at the Falls of Saint Anthony, and of the third district at the city of Red Wing, and of the fourth district at Swan River. Location of surveyors' offices

SEC. 5. The Surveyor Generals shall each, before entering upon the duties of their office, take an oath before some person qualified to administer oaths, that he will faithfully discharge the duties of his office, and shall also execute a bond to the county in which he holds his office, with five or more sufficient sureties, to be approved by the County Commissioners of such county, in the penal sum of five thousand dollars, conditioned for the faithful discharge of his duties as Surveyor General, and for the delivery over to his successors, all bills, bonds, certificates and papers, and other effects appertaining to his said office. Oath of office and bond of surveyor

SEC. 6. The bond and oath of office shall be deposited with the clerk of the Board of County Commissioners of the county where such office is kept, and when a failure to comply with the conditions of such bond by the Surveyor General, any person feeling himself aggrieved, may commence an action thereon before any Court having jurisdiction, and a recovery thereon (by one) shall not render the bond void, but the same may be prosecuted from time to time until the whole penalty shall be recovered. Violation of bond—suits thereon

CHAPTER II.

SECTION 1. It shall be the duty of the Surveyor General, by himself or his deputy, at the request of the owner of any logs, timber or lumber, to repair to any part of his district and survey such logs, timber or lumber, and upon completing such survey, to make out a bill stating the number of logs or pieces of timber, together with the mark or marks thereon, the number of feet therein contained, and at whose request the same were scaled, and to whom scaled, a copy of which bill he shall enter upon the books of his office, and the orig- Survey of lumber—bill of same to owner

inal bill or copy thereof, he shall give to the owner of the logs, timber or lumber, with a certificate thereon that it is a true and correct bill; but no Surveyor General or his deputy shall in person survey or scale logs or timber owned wholly or in part by him or them.

Allowance for defective logs

SEC. 2. The said surveyors and their deputies shall, in surveying or measuring logs or lumber, make such allowance for hollow, rotten and crooked logs as would reduce and make them equal to good, sound and straight merchantable logs; and in surveying lumber, shall throw off all rotten, shakey or waney stuff, and make the same equal to good merchantable lumber.

Scribner's rule, legal rule for surveying—proviso

SEC. 3. The Surveyor General shall keep posted in his office a written rule or scale of logs of all sizes and lengths, which shall govern him in his surveys, and the scale rule known as Scribner's Rule is hereby adopted as the only legal rule for the survey of logs in the State of Minnesota; *Provided*, That every log shall be surveyed by the largest number of even feet which it contains in length over ten feet and under twenty-four feet, and all logs of twenty-four feet in length or more, shall be surveyed as two logs or more.

Survey of logs running out of booms—bills thereof to be made out

SEC. 4. It shall be the duty of the Surveyor General, by himself or deputy, to survey all logs running out of any boom now chartered, or which may hereafter be chartered by law in his district, and at the expiration of each week, to make out and deliver to the owner or agent of such boom, a bill stating the number of logs, the mark or marks thereon, and the number of feet of each mark; a copy of which bill he shall enter upon the books of his office, and the original duly certified by him, he shall deliver to the said boom owner or agent, who shall collect the boomage, or fees of said boom in accordance with such survey.

Survey by surveyor general not in his own district

SEC. 5. Whenever the owner of any logs, timber or lumber, shall request the Surveyor General of any district to repair to any other district and survey such logs, timber or lumber, it shall be lawful for such surveyor, by himself or his deputy, to survey such logs or timber, and to act in all respects as if the same were in his proper district; and the scale bills or certificate of surveys thereof, shall be recorded in his office in like manner as if logs, timber or lumber had been surveyed in his proper district.

Appointment of deputies

SEC. 6. The surveyor general may appoint such number of deputies as may be necessary to transact the business of his district; and for the correctness of their acts and their doings, he shall be responsible upon his bond.

Scale marks of purchaser to take precedence of original

SEC. 7. In surveying logs from one party to another, the Surveyor General shall place the purchaser's scale mark upon said logs, and said scale mark shall thereafter take preference of the original or other antecedent mark; *Provided*, That in all such cases, the purchaser shall pay for the scaling and shall be entitled to the scale bill.

Fees for surveying and scaling

SEC. 8. The Surveyor General shall be entitled to receive, and may sue for and collect the sum of five cents per thousand feet for surveying, scale making and making survey bills for all logs that he may be required to survey, and the sum of twenty-five cents per thousand feet for all lumber, and for all services performed by said surveyors by virtue of their office at a greater distance than thirty miles from their offices, they are authorized to receive and collect ten cents per mile traveling fee. The surveyor general shall be entitled to receive and collect the sum of fifty cents for each and every mark of logs recorded in his office pursuant to Section 12 of this Act.

Books of surveyor general to be open to inspection

SEC. 9. The books of the Surveyor General's office shall be open for and subject to the inspection of all persons wishing to examine the same, and the Surveyor General or his deputy shall furnish, when required, duplicate scale bills or certificates, upon being paid therefor fifteen cents per folio.

Annual reports to legislature

SEC. 10. The Surveyor General shall report to the Legislative Assembly of this State, at the beginning of each regular session thereof, the total number of feet of logs, and lumber which he has surveyed in his district for the year ending the thirtieth day of November last past.

Record of mortgage liens and bills of sale

SEC. 11. It shall be the duty of the Surveyor General to record all mortgages, liens, and bills of sale or other written instruments in any way affecting the ownership of any mark of logs in his district in a book kept for that purpose; *Provided*, That said instruments shall specify the marks placed upon the said logs, and when they were cut, and shall be recorded in the office of the Surveyor General in which the said marks are recorded, and no conveyances, lien, mortgage or transfer shall be valid until the same is so recorded, and the Surveyor General shall be entitled to and shall receive the same fees as is allowed by law to Register of Deeds for recording like instruments.

Marks upon logs to be recorded

SEC. 12. Any person who shall cut logs in either of the districts aforesaid, shall, before proceeding to mark the same, deposit in the office of the Surveyor General in whose district the logs may be, a copy of the said mark which is to be put upon the said logs, but which copy shall not be that of any other mark already recorded in said district, and cause the same to be recorded in a book kept by the Surveyor General for that purpose; *Provided*, That it shall be the duty of any and all persons who may have cut any logs previous to the passage of this Act, to cause the mark of the same to be recorded on or before the first [day] of January, A. D. eighteen hundred and fifty-nine, and that all marks of logs in the fourth district shall be recorded in the second district.

Record of orders for scaling to be kept

SEC. 13. The Surveyor General shall keep a book or books in which he shall record in the order in which they are presented to him, all orders drawn by the owner of any logs directing him to scale any logs of his mark or marks to any

other person, and the first logs scaled of the marks given in said order, and within the limits therein prescribed, shall be scaled to and belong to the person in whose favor the order is drawn according to priority of record.

Certificate of surveyor general conclusive as to ownership of logs

SEC. 14. The certificate of the Surveyor General that any mark has been recorded agreeably to the provisions of this Act, and that the same has not been transferred, and that there is no incumbrance recorded in the books of his office, upon the logs marked with the said mark, shall be conclusive evidence of the ownership of the logs marked with the said mark, in any Court in this State.

No logs to be scaled unless mark is recorded

SEC. 15. No logs shall be scaled by the Surveyor General or his deputies, unless the marks upon the said logs are properly recorded in accordance with the provisions of this Act, and no survey of any logs shall be received in any Court in this State, except the survey of the Surveyor General or his deputy.

Logs inside booms unauthorised, to be turned out on demand

SEC. 16. In case any logs shall be found in any side boom which have not been bargained for by the owner or holder of such boom, the owner of such logs may demand that the same shall be turned out of such boom, and unless such logs are so turned out within three days after such demand is made, then the owner of such logs shall be at liberty to open such boom and remove such logs, doing no unnecessary damage to the property of such boom owner or holder.

Penalty for defacing marks

SEC. 17. That any person who shall take from any of the rivers or their tributaries in or bordering on this State, or from any sloughs, ravine, island or land adjoining said rivers or tributaries into or upon which any logs may run, or shall cut out, mutilate, destroy or render illegible the mark or marks thereon, or in any manner willfully injure any such logs not his own, or any person other than the Surveyor General or his deputy, who shall place upon any log or piece of timber, any mark except the original mark, shall be guilty of a misdemeanor, and upon conviction thereof in any Court having competent jurisdiction, shall be punished by a fine of not less than fifty dollars or more than one thousand dollars, or by imprisonment in the State Prison for not less than one year, nor more than three years, and shall be further liable for double the market value of said logs at the time so taken or injured, to be recovered by the owner of such logs in an action of debt before any Court having competent jurisdiction in the case.

Repeal of acts inconsistent

SEC. 18. All acts and parts of acts inconsistent with this Act, are hereby repealed.

SEC. 19. This Act shall take effect and be in force from and after the first day of January, A. D. eighteen hundred and fifty-nine.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the ninth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 9, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXI.

An Act to provide for the regulation of County Jails.

SECTION 1. Prisons to be established in every county.
2. Grand Juries to examine prisons, and report.
3. Sheriffs or their deputies required to keep the jail—Separate cells for males and females.
4. Cost of keeping defendant imprisoned on civil suit, to be paid by plaint'ff.
5. Cost of keeping criminals to be paid by county board.
6. Prisoners confined by process of Court—Sheriff's evidence to retain in custody.
7. Commitments and liberations of prisoners to be regularly filed by Sheriff or jailor.
8. Delivery thereof to successor in office.
9. Authority to confine prisoners for crime committed in one county, in the jail of another county.
10. Fugitives from justice or labor in this State, may be confined in any county jail.
11. Juvenile prisoners—their treatment.
12. Repeal of acts inconsistent.
13. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That there shall be established and kept in every county, by authority of the Board of County Supervisors, and at the expense of the county, a prison for the safe keeping of prisoners lawfully committed. Prisons to be established in every county

SEC. 2. That the Grand Jury at each term of the Circuit Court, shall make personal inspection of the condition of the county prison, as to the sufficiency of the same for the safe keeping of prisoners, their convenient accommodation and health, and shall inquire into the manner in which the same has been kept since the last term; and the Court shall give this duty in special charge to such Grand Jury, and it shall be imperative upon the Board of Supervisors to issue the necessary orders, or cause to be made the nec essary repairs, Grand juries to examine prisons and report.

in accordance with the complaint or recommendation of the Grand Jury.

Sheriffs or their deputies required to keep jail

SEC. 3. The Sheriff of the county, by himself or deputy, shall keep the jail, and shall be responsible for the manner in which the same is kept; he shall keep separate rooms for the sexes, except where they are lawfully married; he shall provide proper meat, drink and fuel for prisoners.

Costs for keeping defendant in civil suits to be paid by plaintiff

SEC. 4. The cost of keeping a defendant imprisoned by civil process shall be taxed as costs against the plaintiff therein, at the rate of forty cents per day, and if such plaintiff shall fail to pay the same in advance, the defendant may be discharged, but such costs may afterwards be recovered against the defendant.

Keeping of criminals to be paid by county

SEC. 5. Whenever a prisoner is committed for crime or in any suit in behalf of the State, the County Board shall allow the Sheriff his reasonable charge for supplying such prisoner.

Sheriff's evidence to retain prisoner

SEC. 6. When a prisoner is confined by virtue of any process directed to the Sheriff, and which shall require to be returned to the Court, whence it issued, such Sheriff shall keep a copy of the same, together with his returns made thereon, which copy, duly certified by such Sheriff, shall be *prima facie* evidence of his right to retain such prisoner in custody.

Commitments &c. to be filed by sheriff

SEC. 7. All instruments of every kind, or attested copies thereof, by which a prisoner is committed or liberated, shall be regularly endorsed and filled, and safely kept in a suitable box by such Sheriff, or by his deputy, acting as a jailor.

SEC. 8. Such box, with its contents, shall be delivered to the successor of the officer having charge of the prison.

Confinement of persons from one county in jail of another county

SEC. 9. When there is no sufficient prison in any county wherein any criminal offense shall have been committed, any Judge of the Circuit Court of such county, upon application of the Sheriff, may order any person charged with a criminal offense, and ordered to be committed to prison, to be sent to the jail of the county nearest having a sufficient jail; and the Sheriff of such nearest county shall, on exhibit of such Judge's order, receive and keep in custody, in the jail of his county, the prisoner ordered to be committed as aforesaid, at the expense of the county from which said prisoner was sent; and the said Sheriff shall, upon the order of the Circuit Court, or a Judge thereof re-deliver such prisoner, when demanded.

Fugitives from justice may be confined in any county jail

SEC. 10. Any county jail may be used for the safe keeping of any fugitive from justice or labor in this State, in accordance with the provisions of any act of Congress, and the jailor shall, in this case, be entitled to reasonable compensation for the support and custody of such fugitive from the officer having him in custody.

SEC. 11. Juvenile prisoners shall be treated with humanity, and in a manner calculated to promote their reformation;

they shall be kept, if the jail will admit of it, in apartments separate from those containing more experienced and hardened criminals; the visits of parents, guardians and friends who desire to exert a moral influence over them, shall at all reasonable times, be permitted. Juvenile prisoners—their treatment

SEC. 12. All acts or parts of acts inconsistent with this Act, are hereby repealed.

SEC. 13. This Act shall take effect and be in force from and after its publication.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM. HOLCOMBE,
President of the Senate.

APPROVED—August the second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXII.

An Act to provide for the assessment and collection of a Tax for State purposes for the year 1859, *and for the better collection of taxes heretofore levied.*

SECTION 1. Levy of five mill tax for the year 1859, for State purposes.
2. Proper offic ers of the several counties required to assess and collect the same.
3. Auditor of State authorized to extend time for collection of taxes, in case of default, neglect or delay in making assessment.
4. Penalty for default or neglect of township officer to make assessment or collection.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. There is hereby levied on all of the taxable property in the State of Minnesota, for the year (1859), one thousand eight hundred and fifty-nine, a tax at the rate of five mills on the dollar for the use of the State, including the sum to be raised as a sinking fund, and for interest of the Five mill tax for 1859 to be levied

State debt under the provisions of an act entitled "An Act to authorize a loan of two hundred and fifty thousand dollars, to defray the current expenses of the State," Approved March 13th, 1858.

Assessment and collection of tax

SEC. 2. It shall be the duty of the proper officers of the several counties in the State to assess and collect said tax in their respective counties, and pay the same over to the Treasurer of State, in the manner and time prescribed by law.

Default or neglect to make assessment—auditor to extend time

SEC. 3. That in cases whereby default, delay or negligence of any county or township officer or officers, entrusted by law with the duty of assessing and collecting taxes, such taxes in any county have not been or shall not be hereafter assessed or collected, and paid into the Treasury of the State, or of the several counties and townships respectively, in accordance with existing laws, then, and in such cases, it is hereby made the duty of the Auditor of State, to extend the time for the assessment and collection of said taxes, and to require the proper officers to enter upon and discharge the said duty of assessing and collecting the taxes prescribed by law at the earliest possible period thereafter, and in case of continued default or negligence on the part of such officers, appoint other competent persons in their stead to discharge the said duties.

Penalty for default or neglect of officers

SEC. 4. Any county or township officer upon whom the duty of assessing or collecting taxes is imposed, who shall, by default, delay or negligence, fail to discharge the trust imposed upon him by law, shall be deemed guilty of a misdemeanor, and upon conviction thereof, he shall be punished or imprisoned, or both, at the discretion of the Court.

SEC. 5. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXIII.

An Act to provide for the election of United States Senators for the State of Minnesota.

SECTION 1. Election of United States Senators, when to be made by Legislature.
2. Manner of proceeding in Joint Convention,
3. Manner of taking the vote. Certificates of Election, by whom made.
4. Notice of election to be given by Governor. Provision in case of non-acceptance of office.
5. This Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That on Saturday, the nineteenth day of December, A. D. 1857, at twelve o'clock, M., and thereafter on the first Tuesday of January next, before the expiration of the time for which any Senator or Senators were elected to represent this State in Congress, if the Legislature be then in session and if not then within ten days after a quorum of both Houses shall be assembled at the next meeting of the Legislature, the Senate and House of Representatives of the State of Minnesota shall meet in joint convention in the Hall of the House of Representatives to elect a Senator or Senators to represent the State of Minnesota in the Senate of the United States, and when so assembled may adjourn from day to day, but shall not adjourn *sine die* until after such Senator or Senators are elected. Time of election of United States Senators

SEC. 2. On the assembling of the Joint Convention, as provided for in the preceding Section, the Speaker of the House of Representatives shall call the Convention to order, and preside over the Convention. The Clerk of the House shall then call the roll of the Joint Convention, and upon a majority of members being present, the Convention shall then proceed to the election of one or more Senators to the United States Senate, as the case may be, and the person or persons receiving a majority of all the votes cast, shall thereupon be declared to have been duly elected as Senator or Senators, to represent the State of Minnesota in the Senate of the United States. Proceedings in joint convention

SEC. 3. At all elections in this State for United States Senator or Senators, the vote shall be taken *viva voce*, and the Clerk shall enter each vote upon his Journal, and upon the final declaration of the vote by the Speaker, a certified copy of such election shall then be signed by the President of the Senate and the Speaker of the House, and attested by the Secretary of the Senate and Chief Clerk of the House, and within three days thereafter, said certificate of election Manner of voting—certificate of election by whom made

duly signed and attested as herein provided, shall be presented by the Speaker of the House of Representatives, to the Governor for his signature; and upon the signature of the Governor being attached to said certificate of election, the same shall be delivered to the person or persons entitled to receive it under and by virtue of this Act.

Notice of election to be given by governor

SEC. 4. Upon the election of any person to the office of United States Senator, it shall be the duty of the Governor to notify, in writing, such person of his election; whereupon such person so elected shall notify the Governor in writing, his acceptance or rejection of such office. And in the event of his refusal to accept said office, then said office shall be declared vacant, and the Governor shall issue a writ for a new election; and if, at the time of such vacancy being declared, the Legislature should be in session, they shall at once proceed to an election of United States Senator, and in case of a vacancy occurring in the office of Senator of the Senate of the United States for this State during a vacation of the Legislature, the Governor of the State shall appoint some person or persons to fill such vacancy, until the next meeting of the Legislature.

SEC. 5. This Act shall take effect from and after its passage.

J. S. WATROUS,
Speaker of the House of Representatives.
R. G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—December eighteenth, one thousand eight hundred and fifty-seven. S. MEDARY.

SECRETARY'S OFFICE, Minnesota, December 18, 1857.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LXXXIV.

An Act to encourage the organization of Fire Companies

SECTION 1. Members of Fire Companies to be exempt from military or jury duty, and work upon the highways.
2. Five years service in a Fire Company, to exempt forever thereafter from military or jury duty, and work on roads.
3. Certificate of such service to be received as *prima facie* right to exemption hereinbefore mentioned.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That any person who is now, or shall hereafte

be an acting member of any fire engine, hook or ladder, hose, or any other company for the extinguishment of fire, or the protection of property at fires, now existing and in active operations under the control of the corporate authorities of any town, city, or villiage in this State, shall, during the time he may continue an acting member of such company, be exempted from the performance of military duty in time of peace, from labor on the highways, and from serving as a juror; *Provided*, That the privileges aforesaid shall not be extended to any but active duty members, furnished with all the apparatus or equipage necessary, and all other members who have become disabled from serving as firemen, while in the discharge of their duties as such; *And provided also*, That such members shall not be deprived of said privileges in consequence of temporary absence from the place where such company may be located for a period of six months; provided it was the intention of such absentees to return and continue their duties in said company.

Members of fire companies exempt from military or jury duty or work upon highways

SEC. 2. That any person who shall have been such member of any such companies as are described in the preceding Section, and shall have faithfully discharged his duties as such, for the term of five years, shall be forever thereafter exempt frrm the performance of military duty in time of peace, from labor on the highways, and from serving as a juror, so long as such person shall remain a resident of the city or town wherein he became so exempt as aforesaid; *Provided*, That his said five years' service shall not be construed to mean only five consecutive years in the same company, but may consist of different periods of service, either in the same or in different companies, at different times, in all amounting to five years.

Five years service exempt as above forever

SEC. 3. That any person who has served five years shall be entitled to receive from the President or Foreman of the company, or companies of which he shall have been a member, a certificate or certificates to that effect, specifying the length of time he shall have served; and on presentation of said certificate or certificates to the Clerk or Recorder of the proper city or town, it shall be the duty of the said Clerk or Recorder to file the same in his office, and give his certificate, under seal, to the person entitled thereto, setting forth the name of the company or companies of which such person shall have been a member, and the length of time he has served in each company; and such certificate shall be received in all Courts and places as *prima facie* evidence that said person is entitled to the exemption hereinbefore mentioned.

Certificate of such service to be *prima facie* evidence to exemptions mentioned

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 2, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXV.

An Act to provide for the Organization of the Legislature.

SECTION 1. Secretary of State to prepare the Legislative halls for meeting of Legislature.
2. Certificate of Election from Register of Deeds to be *prima facie* evidence thereof for purposes of organizing the Legislature.
3. Manner of organizing the Senate.
4. Officers to be elected.
5. Term of office for officers of Senate.
6. Organization of the House of Representatives.
7. Officers of the House to be elected.
8. Oath of office to be taken by all officers.
9. Term of office for officers of House.
10. Appointment of messengers for both Houses.
11. In elections for officers, a majority of votes cast necessary for a choice.
12. Proceedings to obtain a quorum of members.
13. Repeal of acts inconsistent.
14. Act takes effect on passage.

Be it enacted by the Legislature of the state of Minnesota:

Secretary of state to prepare legislative halls

SECTION 1. That immediately previous to any regular, adjourned, or called session of the Legislature, it shall be the duty of the Secretary of State to cause the halls in which the Senate and House of Representatives are expected to hold their sessions, to be suitably prepared for that purpose.

Evidence of membership for organization

SEC. 2. That the certificate of election, from the Register of Deeds of the proper county, shall be held and considered as *prima facie* evidence of the right to membership of the person certified therein to be elected, for all purposes of organization of either branch of the Legislature.

SEC. 3. That at the hour of twelve o'clock, M, on the day appointed for the convening of any regular session of the Legislature, the President of the Senate, or in the case of his

absence or inability, then the oldest member present shall take the chair and call the members elect to order, and shall appoint from the members a Clerk *pro tem*; the President or Chairman shall then call over the Senatorial Districts in their order, and as the same are called, the persons claiming to be members shall present their certificates and take an oath or affirmation to support the Constitution of the United States and of the State of Minnesota, and also an oath of office, which may be administered by the President of the Senate, or by any person authorized to administer oaths. Manner of organising the Senate

Sec. 4. That after the members elect shall have taken the oath of office or affirmation aforesaid, if there shall be a quorum present, the Senate shall proceed to the election of a Secretary and an Assistant Secretary, an Enrolling Clerk, an an Engrossing Clerk, a Sergeant-at-Arms, and a Fireman, and the election shall be in the order as above stated in this Section, and shall be a *viva voce* vote. Officers of Senate to be elected

Sec. 5. That the Secretaries, Clerks, Sergeant-at-Arms, and Fireman, shall hold their office for and during the session at which they are elected, but may be discharged by a resolution of the Senate. Terms of office

Sec. 6. At the same time that is provided for the Senate being called to order, it shall be the duty of the Chief Clerk of the House of the next preceding session of the Legislature, and in his absence, then the oldest member present, in the Hall of the House of Representatives, to call the persons elected to that body to order, and appoint from those elected, a Clerk *pro tem*, the several counties or districts of the State shall then be called in alphabetical order, and as the counties or districts of members elect are called, they shall present their certificates and take an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Minnesota, and also an oath of office. Organization of the House of Representatives

Sec. 7. So soon as all the members elect present shall have taken the oath or affirmation aforesaid, if there shall be a quorum, they shall proceed to the election of a Speaker, Chief Clerk and an Assistant Clerk, an Enrolling Clerk, an Engrossing Clerk, a Sergeant-at-Arms, and a Fireman, and no additional officer shall be elected or appointed in either branch of the Legislature, (except messenger boys,) during the first two weeks of the session, and none after that time, unless upon application of either the Chief Clerk or Sergeant-at-Arms, in which they shall state the additional number they deem necessary, and if either branch of the Legislature shall pass a resolution that such additional helps are necessary, then such branch passing such resolution, may proceed to the election of such additional Clerk or Clerks, Sergeant or Sergeants-at-Arms. Officers of the House to be elected

Sec. 8. That all officers elected or appointed in either branch of the Legislature, shall take an oath or affirmation to support the Constitution of the United States and the Con- Oath of office to be taken by all officers

stitution of the State of Minnesota, and that they will faithfully and diligently discharge the duties required of them in their respective offices.

Term of office

SEC. 9. That the Clerks and Sergeant-at-Aarms, and Fireman of the House of Representatives shall hold their offices for the same time, and be removed in like manner as is provided for the same offices in the Senate.

Appointment of messengers

SEC. 10. The President of the Senate shall appoint two messenger boys, and the Speaker of the House two, who shall serve during the session of the Legislature, unless sooner discharged for cause, and shall each receive one dollar and fifty cents per day.

Majority vote necessary for election of officers

SEC. 11. That in all elections for officers of either branch of the Legislature, a majority of all the votes given shall be necessary to a choice.

Proceedings to obtain a quorum

SEC. 12. That whenever at the commencement, or during the regular, adjourned or called session of the Legislature, upon a call of either House, it shall be found that no quorum of members is present, or if any member or members shall be found absent upon any such call, the members present shall be authorized to direct the Sergeant-at-Arms, or if there be no Sergeant-at-Arms of such House, then any other person duly authorized by the presiding officer of either House, to compel the attendance of any or all absentees; *Provided*, That if the House refuse to excuse such absentee, he shall not be entitled to any perdiem during such absence.

SEC. 13. All acts and parts of acts inconsistent with the provisions of this Act, are hereby repealed.

SEC. 14. This Act shall take effect and be in force from and after the adjournment of the present Legislature.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXVI.

An Act to provide for the election of Electors of President and Vice President of the United States.

SECTION 1. Proclamation for the election of electors of President and Vice President to be published in all the counties of the State.
2. Time of holding elections—Number of Electors—Election, how conducted.
3. Returns of election, how made—Duty of Judges of Election.
4. Register of Deeds to deliver return to the Secretary of State.
5. Canvass of the votes, how made.
6. Electors to meet at the seat of government, and perform the duties imposed.
7. Officers of the election, penalty for neglect of duty, or for improper conduct.
8. Electors to notify the Governor of their presence, and readiness to perform their duties—Vacancies, how filled.
9. Vacancies, tie in elections—decision by lot.
10. Certificate of election to fill vacancy—Notice to electors.
11. Per diem and mileage of electors.
12. Pay of Judges and Clerks of Election.
13. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota :

SECTION 1. That the Governor of this State, sixty days previous to the time provided by this Act, for the election of electors of President and Vice President of the United States, shall by proclamation to be inserted in one of the newspapers printed in each county in this State, where any such paper is printed, give notice of the time of holding such election, and the number of electors of President and Vice President there to be chosen.

Proclamation of election to be published in all the counties of the State

SEC. 2. That the qualified electors of this State shall on the first Tuesday after the first Monday in November, A. D. 1860, and thereafter in every fourth succeeding year, assemble in their respective townships at the usual place designated for holding elections, and proceed to elect a number of electors of President and Vice President of the United States, equal to the number of Senators and Representatives to which this State may be entitled in the Congress of the United States, which shall commence and close at the same hours, and be conducted in the same manner, and of which the same notice shall be given as is or may be directed by law for electing members of the Legislature of the State ; but no Senator or Representative in Congress, or person holding an office of trust or profit under the United States shall be eligible as an elector of President and Vice President.

Time of holding election—number of electors

SEC. 3. That it shall be the duty of the judges of election in each township forthwith after the close of the elections, to seal up one of the poll books of the election, which shall be carried within three days after the day of election, to the

Returns of election—duty of judges of election

Register of Deeds of the proper county, who shall attend the six days next succeeding the election at the seat of justice of his county, for the purpose of receiving poll books as aforesaid, and if the judges of election or any one of them shall fail to carry the poll book as aforesaid, they shall forfeit and pay to the State the sum of one hundred dollars to be recovered by civil action before any Court having cognizance thereof.

Returns to secretary of state by registers of deeds

SEC. 4. That the Register of Deeds upon receiving the poll books as aforesaid, shall administer an oath or affirmation to each judge who shall deliver said poll book, that he was a judge of said election, and hall indorse a certificate of having administered such oath or affirmation on the poll book or packet delivered to him, and shall moreover give the Judge delivering the poll book a receipt for the same, which receipt the Judge shall file with the clerk of the proper county, and the said Register of Deeds on the receipt of the poll books shall deliver to the Secretary of State at his office, within fifteen days after the election under the penalty of one thousand dollars, to be recovered as is provided in the Third section of this Act.

Canvass of the votes—how made

SEC. 5. That the said poll books on the twentieth day after the election shall be opened by the Secretary of State in the presence of the Governor, and the aforesaid Register of Deeds or such of them as choose to attend. The Secretary shall cause the poll books as they are opened to be read aloud, and shall make out a fair abstract of the names of the persons voted for, and the number of votes given to each, and the Governor shall forthwith make out for the persons having the greatest number of votes, certificates of having been duly elected electors of President and Vice President of the United States, and transmit the proper certificates to each person so elected, and shall cause the election of electors to be published in the newspapers printed at the seat of government, but if more than the number of persons to be elected have the greatest and an equal number of votes, then the election of those having such equal number of votes shall be determined by lot, to be drawn by the Secretary of State in the presence of the Governor and Registers of Deeds aforesaid. The Governor shall transmit the proper certificate and cause the publication to be made as aforesaid, and the said poll books shall be kept in the Secretary's office subject to the inspection of any person who may choose to examine the same.

Electors chosen to meet at the seat of government

SEC. 6. That the electors who shall be chosen as aforesaid, shall, at twelve o'clock, on the day which is or may be directed by the Congress of the United States, meet at the seat of government of this State, and shall then and there perform the duties enjoined upon them by the Constitution and laws of the United States.

SEC. 7. That the several persons who shall be appointed to conduct the election of electors of President and Vice

President of the United States, for neglect of duty or for improper conduct, be liable to the same penalties and forfeitures as are or may be provided by the law for regulating elections in this State. Officers of election—penalty for neglect of duty

Sec. 8. That each elector of President and Vice President of the United States shall before the hour of twelve o'clock, on the day next preceeding the day fixed by the law of Congress to elect a President and Vice Pres dent of the United States, give notice to the Governor that he is at the seat of government, and ready at the proper time to perform the duties of an elector, and the Governor shall forthwith deliver to the electors present a certificate of all the names of the electors, and if on examination thereof, it shall be found that one or more of said e ectors are absent and shall fail to appear before nine o'clock in the morning of the day of election of President and Vice President as aforesaid, the electors then present shall immediately proceed to elect by ballot in the presence of the Governor, a person or persons to fill such vacancy or vacancies as may have occured through the non-attendance of one or more of the electors. Electors to give notice of their presence to the governor—vacancies how filled

Sec. 9. That if more than the number of persons required to fill the vacancy or vacancies as aforesaid, shall have the greatest number and an equal number of votes, then the election of those having such equal and highest number of votes shall be determined by lot to be drawn by the Governor, in the presence of the electors attending: otherwise he or they to the number required having the greatest number of votes shall be considered elected to fill such vacancy or vacancies. Vacancies—tie—decision by lot

Sec. 10. That immediately after such choice is made in the manner aforesaid, the name or names of the persons so chosen shall forthwith be certified to the Governor by the electors making such choice, and the Governor shall cause immediate notice to be given to each and every of the electors chosen to fill such vacancy or vacancies, as aforesaid, and the said person or persons in whose place he or they may or shall have been chosen shall be electors, and shall meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on him or them as electors aforesaid, by the Constitution and laws of the United States and of this State. Certificate of election to fill vacancy—notice to electors

Sec. 11. That each and every elector who shall attend as an elector at the seat of government, as aforesaid, shall be entitled to receive three dollars for each and every days attendance, and three dollars for every twenty miles travel, of the estimated distance by the most usual route from his place of residence to the seat of government, and the like sum of returning, which sum shall be allowed by the Auditor on the certificate of the Governor, and paid by the Treasurer out of any money in the treasury not otherwise appropriated. Per diem and mileage of electors

Sec. 12 That the judges and clerks of the township elec-

Pay of judges and clerks of election.

tion held under this Act, and the Register of Deeds of the different counties shall be paid the like compensation out of their respective counties treasuries, and in like manner as they are entitled to for similar services, under an Act entitled "An Act to regulate Elections."

SEC. 13. This Act to take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

H. H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXVII.

An Act providing for the election of Governor of the State, and further to prescribe and define the powers and duties of his office.

SECTION 1. Governor of the State—time of holding election therefor.
2. Governor to be legal custodian of all the State property.
3. Officers of the State Departments required to make report of the public business entrusted to them.
4. Commissions to civil officers in the State, to be signed by Governor.
5. Requisitions for rendition of fugitives—discretionary power as to payment of expenses.
6. Reprieves and pardons, to grant.
7. Vacancies among officers appointed by Legislature, to be filled by Governor—until Legislature meets.
8. Public Thanksgiving, duty of Governor to set apart a day for.
9. Extra Sessions of Legislature, authority to convene.
10. Impeachment, resignation or removal of Governor, Lieutenant Governor to act.
11. No member of Congress or officer under the United States, to hold the office of Governor.
12. Private Secretary, to record official letters.
13. The Great Seal of the State, authority to provide when lost, defaced or injured.
14. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Governor shall be chosen by the qualified electors of the State, at the general election in A. D. one

thousand eight hundred and fifty-nine, and at the general election biennially thereafter, and he shall assume the duties of his office on the first day of January next succeeding his election, or as soon thereafter as practicable. Governor of state—time of holding election thereof

SEC. 2. The Governor is hereby constituted the legal custodian of all the property of the State, not specially entrusted to other officers by law; and he is hereby authorized and empowered to take summary possession of such property of the State, without any process of law; and to adopt such measures as he may deem proper to preserve it from injury or deterioration. Governor to be legal custodian of state property

SEC. 3. It shall be the duty of the several officers of the Executive Department to make a written report to the Governor of the State, of the public business entrusted to their charge, whenever required by him so to do, and the Attorney General shall deliver a written opinion upon any subject connected with the affairs of the State, when requested by the Governor. Officers of departments to make reports to governor

SEC. 4. All commissions to civil officers in this State shall be issued and signed by the Governor, and countersigned by the Secretary of State under the seal of the State, and a record thereof kept in the office of the Secretary of State. Commissions to civil officers by whom signed

SEC. 5. In issuing requisitions for the rendition of fugitives from justice, it shall be discretionary with the Governor, whether to allow any sum of money or not, for the expenses incurred therein, and no such expenses shall be paid by the State, or any county, unless on the certificate of the Governor, to the effect that the case is such an one, as the State or county ought to pay for the pursuit and rendition of said fugitive. Requisitions—discretionary power as to payment of expenses

SEC. 6. The Governor shall have power to grant reprieves and pardons after conviction, except in cases of impeachment. Reprieves and pardons—power to grant

SEC. 7. When any officer, the right of whose appointment is vested in the Legislature, shall, during the recess, die, or his office by any means become vacant, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the commencement of the next session of the Legislature. Vacancies in offices appointed by legislature, to be filled by appointment

SEC. 8. The Governor shall by proclamation, set apart one day in each year, as a day of solemn and public thanksgiving to Almighty God, for his blessings to us as a State and a nation, and no business shall be transacted on that day at any of the departments of State. Annual thanksgiving day

SEC. 9. Whenever the Governor shall deem it necessary to convene an extra session of the Legislature, he shall do so by proclamation, giving such notice as he shall deem necessary to inform the members of the Legislature of the time of assembling; and when assembled he shall state to them the purposes for which they have been convened. Extra sessions of legislature—authority to convene

SEC. 10. In case of the death, impeachment, resignation,

Impeachment, resignation or removal of governor

or removal of the Governor from office, the Lieutenant Governor shall exercise the office of Governor, until he be acquitted, or another Governor shall be duly qualified. And in case of the impeachment of the Lieutenant Governor, or his death, removal from office, resignation, or abscence from the State, the President of the Senate shall succeed to the office and exercise the duties thereof, until a Governor shall be elected and qualified.

Prohibition to hold office of governor

SEC. 11. No member of Congress, or person holding any office under the United States or this State, shall execute the office of Governor.

Private secretary —his duties

SEC. 12. The Governor shall appoint his Private Secretary, who shall enter in a book kept for that purpose, all such letters written by and to the Governor, as are official and important; and such other letters as the Governor shall deem necessary. Said book shall be deposited in the office of the executive by the Private Secretary, and carefully preserved, and the Governor shall produce the letter books before the Legislature whenever requested.

SEC. 13. Whenever the great seal of the State, shall be lost, or so worn or defaced as to render it unfit for use, the Governor shall provide a new one.

SEC. 14. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the ninth, one thousand eight hundred and fifty-eight.
HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 9, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXVIII.

An Act to authorize the Governor to select Lands, and secure the title thereof.

SECTION 1. The Governor authorized to appoint a Commissioner to select lands to complete public buildings.
2. Selection of Salt Springs and lands granted by Enabling Act of Congress.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Governor of this State is hereby au-

thorised to appoint a Commission, consisting of one or more persons, to assist him in the selection of certain lands granted to the State of Minnesota for the purpose of completing the Public Building, or for the erection of others at the Seat of Government, and also to take such measures as shall secure the title of said lands, when thus selected for the State. Commission to be appointed to select lands—donation by United States

SEC. 2. That the Governor shall select or appoint some suitable person or persons to make the selection of the twelve Salt Springs and six sections of land granted to this State by the Enabling Act, and take such measures as are necessary to secure a title thereto.

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXIX.

An Act to provide for the Salaries of the Judges of the Supreme and District Courts.

SECTION 1. Salaries of the Judges of the Supreme Court.
2. Salaries of the Judges of the District Court.
3. Salaries to be paid quarterly on the order of the Auditor.
4. Terms of office of the Judges.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Chief Justice and Associate Justices of the Supreme Court shall severally receive a salary of two thousand dollars per annum. Salaries of the judges of supreme court

SEC. 2. The Judges of the District Courts shall severally receive a salary of two thousand dollars per annum. Salaries of judges of district courts

Salaries payable quarterly

SEC. 3. The said salaries provided for in the foregoing sections of this Act, shall be payable quarterly by the State Treasurer, on the order of the Auditor, out of any money in the Treasury of the State not otherwise appropriated.

Term of office

SEC. 4. The term of office of each of the said Judges, shall commence and date from the first Monday of January, 1858, and their several duties shall be and remain as now provided by law, until the same shall be changed by the Legislature.

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XC.

An Act to amend an Act to appropriate Money for certain purposes, Approved March 20th 1858.

SECTION 1. Amend Section 9 of Chapter 86 of General Laws of 1858.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Appropriation to J. Travis Rosser

SECTION 1. That the sum of one hundred and five dollars be and the same is hereby appropriated out of the appropriation made in Section nine of said Act to W. A. Hotchkiss, or assigns, to be paid out of any funds in the Treasury not otherwise appropriated for the current year, to J. Travis Rosser.

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCI.

An Act to authorize the Regents of the University of Minnesota to borrow money.

SECTION 1. Board of Regents authorized to issue bonds to amount of $40,000.
2. Authority to mortgage University Lands in the name of the State, for security of the bonds issued.
3. Authority to negotiate the bonds.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Board of Regents of the University of Minnesota, are hereby empowered to issue bonds in the name of the said University of Minnesota, and under the corporate seal of the said University, signed by the President and attested by the Secretary of the said Board of Regents, and payable at such times and in such manner as the said Board may deem best, to an amount not exceeding the sum of forty thousand dollars, with interest thereon, not exceeding twelve per cent. per annum. Board of Regents authorized to issue bonds

SEC. 2. And the said Board of Regents are hereby further empowered, in order to secure the payment of said bonds, to make, execute and deliver in the name of the State of Minnesota, a mortgage or mortgages, on any lands now belonging, or which may hereafter belong to the said University, and said mortgage or mortgages, signed by the President of Authority to mortgage university lands in the name of state

the Board of Regents, and duly acknowledged by the said President before any person authorized to take acknowledgments of deeds, in this State, and recorded in the office of the Register of Deeds of the county in which said lands are so mortgaged and situated, or in the county to which it is attached for judicial purposes, shall be a lien upon the said lands until all sums owing upon said bonds are fully discharged.

Authority to negotiate the bonds

SEC. 3. And the said Regents are further empowered to authorize by a majority vote, any one or more of their number to negotiate the said bonds on such time and terms, and in such places as they may deem best to subserve the purposes contemplated by this Act, and receive the money therefor.

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XCII.

An Act to amend an Act entitled "A Bill to encourage the erection of Mill Dams and Mills."

SECTION 1. Amendment to Section 17 of Chapter 39 of Extra Session Laws of 1857—Limit as to time for actions for damages.
2. Rights of parties, holding under pre-emption claims, to a remedy for damages sustained by overflowing land.
3. This Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 17 of the Act entitled "A Bill to encourage the erection of Mill Dams and Mills," Approved May 23, 1857, be amended so as to read as follows:

Limitation of time for actions for damages

SEC. 17. No action for damages occasioned by the erection and maintenance of a Mill Dam, shall be hereafter sustained unless such action be brought within two years after the erection of said dam or within three years after the passage of this Act; *Provided*, That such limitation shall not run against or apply to persons living on and holding government land under the pre-emption laws, until a patent for the land damaged or overflown shall have been issued.

Rights of pre-emptors to a remedy for damage

SEC. 2. The said Act of which this is an amendment, shall not deprive any person legally holding any land under the pre-emption laws, who had not received a patent for such lands at the time of the passage of said Act, of a remedy, or right of action for any damages, he or she may have sustained in consequence of the overflowing of any such land, and an action may be brought therefor, within the time fixed in said Act, as hereby amended, and in case damages to any land so held as aforesaid, shall be assessed as provided in said Act, equitable damages shall be allowed, and the right of appeal had the same as in other cases under said Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 11, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCIII.

An Act to amend Article IX, of Chapter VIII, of the Revised Statutes.

SECTION 1. Amendment to Article 9, of Chapter 8, Revised Statutes, extending the time for Assessors to make assessments, and to return a complete assessment roll; also extending time for making out lists of the inhabitants.

2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That Section three, of Article nine, of Chapter

Time of making assessments extended

eight, of the Revised Statutes, is hereby amended by substituting in the fourth line thereof, "months of June or July," in the place of the words "month of June;" and by substituting "August" for "July," in the seventh line thereof. And that Section six, in said Article, is amended by substituting "July" for "June," therein, and Section ten, by substituting "August" for "July."

SEC. 2. This Act shall take effect on and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XCIV.

An Act relating to the title of Pre-empted Land.

SECTION 1. Conveyances and mortgages of land by pre-emptors before receiving patents to be binding upon the parties making them.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota.

Conveyances of land before patents received held to be binding

SECTION 1. That all conveyances of, and all mortgages and contracts of every kind whatsoever relating to any pre-empted lands which have been heretofore made of land situated within the limits of this State, after the issuing of the duplicate at the local land office, shall be binding upon the parties thereto after the issuing of the patent for such land, and all covenants contained in such instruments shall be revived and be of the same force and effect as if made after the patent had been issued, and the title which may be perfected by the issuing of the same and vested in the patentee, shall immediately enure to and be vested in the party to whom such patentee may have conveyed the same or his assigns to

the same extent, and under the same legal and equitable rules and regulations applicable to other lands and conveyances.

Sec. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary.

CHAPTER XCV.

An Act to Create and Regulate Bridge Companies.

SECTION 1. Incorporation of Bridge Companies, how effected.
2. Subscription of Capital Stock and election of Directors and other officers.
3. Treasurers of Companies to give bonds.
4. President, his duties.
5. Secretary, his duties.
6. Adoption and amendments of by-laws.
7. Rates of Toll, to be prescribed by District Court.
8. Compensation of officers of companies.
9. Act takes effect on passage, and repeals inconsistent acts.

Be it enacted by the Legislature of the State of Minnesota.

SECTION 1. That whenever any number of persons associate themselves together for the purpose of constructing a bridge over any of the streams of water in this State, they shall, under their hands and seals, make a certificate specifying the amount of capital stock necessary, the amount of each share, the place where said bridge is to be built, and on what stream; said certificate shall be acknowledged, certified and forwarded to the Secretary of State, recorded and copied, and when so incorporated, they are hereby authorized to carry on the operations, and by the name and style provided in such certificate, shall be deemed a body corporate, with succession; and they and their associates, successors and assigns, shall have the same general corporate powers and subject to all the restrictions hereinafter provided; but in all cases the banks on both sides of the stream where the

Incorporation of bridge companies—how effected.

said bridge is to be built, shall be owned by said company, or that they obtain in writing the consent of the owner or owners of the banks where the said bridge is to be erected, to erect the said bridge as aforesaid, unless the said banks at such points be a public highway.

Capital stock—election of directors and officers

SEC. 2. That the corporations herein named shall open the books of said company for subscription to the capital stock of said bridge, and so soon thereafter as ten per cent. of the capital shall be subscribed, they shall call a meeting of the persons who have subscribed stock as aforesaid, and shall then and there proceed to elect five directors, who shall be stockholders in the said company, who shall hold their offices as such directors for one year from and after said election, and until their successors are elected and qualified, one of whom shall be President, and one Treasurer, and one Secretary, to be named on the tickets when voted for by the stockholders as aforesaid. Each stockholder shall be entitled to one vote for each and every share of stock that he may own, and after the first election, no stockholder shall be entitled to a greater number of votes, than the number of shares that he may have paid into said company.

Duties of treasurer

SEC. 3. That the Treasurer of said company, before entering upon the duties of his office, shall enter into a bond with good and sufficient security, to be approved of by the said Board of Directors, payable to the said company, conditioned for the faithful performance of all and singular the duties of said office, and that he will well and truly account for and pay over to the said company, all moneys and property that shall from time to time come into his hands by virtue of his said office, and that he will use due and proper diligence to collect all moneys and demands, that from time to time shall be due and owing to the said company, which shall be his duty by law to collect.

Duties of president

SEC. 4. The President shall preside at all meetings when present, and not otherwise incapacitated, in which case or in case of his absence, the Board of Directors shall choose a President from among their number, who shall perform the duties of the President at such meeting, and perform such other duties as may from time to time be pointed out by the by-laws and the rules of said company.

Duties of secretary

SEC. 5. The Secretary shall keep a record of all meetings of the Board of Directors, and other proceedings of said company, not required to be performed by any other officers of the said Board, and perform such other and further duties as may be assigned him from time to time, by the rules and by-laws of the said company.

May make by-laws

SEC. 6. That the said company shall have power from time to time, at any regular meeting of the Board of Directors, to make, alter or change such by-laws and rules for the government of the said company.

SEC. 7. That the company previous to receiving any tolls

upon said bridge, shall set up and keep in a conspicuous place on the said bridge, a board, on which shall be written, painted or printed in a plain and legible manner, the rates of toll, which rates of toll shall have been prescribed by the District Court of the proper county; and if any company shall demand and receive any greater rate of tolls than the rate prescribed by said Court, they shall be subject to a fine of ten dollars. Rates of toll—by whom fixed

SEC. 8. That the compensation of the President and other officers of such company, shall be regulated and fixed by the rules and by-laws of such company from time to time. Compensation of officers

SEC. 9. This Act to take effect from and after its passage, and all Acts inconsistent with this Act are hereby repealed.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-third, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 23, 1858.

I hereby certify the foregoing to be a correct copy of the original on file in this office.

FRANCIS BAASEN, Secretary.

CHAPTER XCVI.

An Act to amend Sec. 4, of Chapter 75, of the Revised Statutes.

SECTION 1. Amendment to Revised Statutes relating to Foreclosure of Mortgages

Be it enacted by the Legislature of the State of Minnesota:

SEC. 1. That Section 4, of Chapter 75, is amended so as to read as follows:

SEC. 4. Notice that such mortgage will be foreclosed by sale of the mortgaged premises, or some part of them, shall be given by publishing the same for six successive weeks at least, once in each week, in a newspaper of the county where Amendment to revised statutes relating to foreclosure of mortgages

the premises intended to be sold, or some of them, are situated, if there be one, if not, then in the nearest paper in one of the adjoining counties.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCVII.

An Act to amend an act, entitled "An Act prescribing rules and regulations for the execution of the trusts arising under the Act of Congress, entitled An Act for the relief of citizens of towns upon lands of the United States, under certain circumstances," approved March 3, 1858.

SECTION 1. Amendment to sec. 5, providing for adjustment of rights between adverse claimants to land.
2. Act to apply to cases pending in Courts of the State, and to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to section 5, providing for adjustment of rights between adverse claimants to land.

SECTION 1. Sec. 5, of an act of the Legislative Assembly of the Territory of Minnesota, entitled "An Act prescribing rules and regulations for the execution of the trusts arising under the Act of Congress, entitled An Act for the relief of citizens of towns upon lands of the United States under certain circumstances," is amended so as to read as follows:

SEC. 5. In case there shall be adverse claimants to such lands, or to any part, parcel or share thereof, and the controversy shall not be settled by agreement in writing, between the parties thereto, such controversy may be determined by voluntary submission thereof in writing, by the parties to

reference or arbitration, and by the written award or determination of the referees or arbitrators. In case any such controversy shall not be so settled or determined within three months from the time of the entry of the land, either of the claimants may bring a civil action against the adverse claimant or claimants, in the District Court of the judicial district, and in the county in which the lands shall be situated; *Provided, always*, That no Judge of the District Court of this State, who has been or is an adverse claimant, directly or indirectly, of any portion of the lands embraced within such town, or who is a party to any action brought to determine the right to a conveyance of any portion of the lands within such town, shall entertain, or hear, or determine any proceeding, interlocutory or final, in any action brought to determine such adverse claims to any portion of such lands, by or between any parties whatsoever, but shall order such proceeding or trial to be taken and had before the Judge of another judicial district, whose duty upon such order it shall be to appoint a term in the county and district where such proceedings originated, for such purpose; *Provided, also*, That the laws applicable to a change of venue shall apply to actions brought under this Chapter; *And provided also*, That nothing in this Act shall prevent the District Judge of the district in which any such lands are situated, from executing any and all conveyances of such lands, pursuant to the determination of such action. The lots, parcels or shares, and the interest or estate therein, which a party to such action as is herein provided for, claims to be entitled to, shall be stated in the complaint therein, and the fact shall be alleged that the defendant claims some interest or estate in the said lands, or some portion thereof. The defendant shall answer the complaint within twenty days after the service of the summons and complaint upon him, and he may in such answer, disclaim any interest or estate in the lands described in the complaint, or any portion thereof; and in such cases the answer shall determine the action in favor of the plaintiff to the extent of such disclaimer. In case any defendant in such action shall deny the plaintiff's right or claim in the lands, or in any part, parcel or share of the lands described in the complaint, he or she shall specify his or her right, interest or estate which he or she claims therein, or the answer, to the extent of such denial, may be stricken out on motion of the plaintiff, and judgment rendered in his favor. The pleadings in such actions shall be verified by affidavit, in the same manner and to the same extent as in other civil actions, and they shall be construed with reference to the substance thereof, disregarding all technical or formal defects, not affecting the substance or merits of the matters in controversy therein.

Adjustment of rights between adverse claimants

SEC. 2. This Act shall apply to all actions now pending

APPENDIX.

APPENDIX.

APPENDIX.

ACTS PASSED BY THE LEGISLATURE OF 1858, BUT REPEALED BY SUBSEQUENT ACTS.
[*See Chapters* 32 *and* 75.]

An Act to authorize the business of Banking.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Governor of this State is hereby authorized and required to appoint, every two years, by and with the advice and consent of the Senate, a Bank Comptroller, who shall hold his office for two years and until his successor is duly appointed and qualified; *Provided*, That the first appointment under this Act shall expire on the first Monday in January, A. D. 1860. He shall receive an annual salary of two thousand dollars, to be paid quarterly. Within ten days from the time of notice of his appointment, the Bank Comptroller shall take and subscribe the oath of office prescribed by the Constitution, and file the same in the office of the Secretary of State, and shall give to the State Minnesota a bond in the penalty of fifty thousand dollars, with not less than five sureties, to be approved by the Governor and Secretary of State, conditioned for the faithful discharge of the duties of his office, and he shall not directly or indirectly be interested in any bank or banking association, or as an individual banker.

SEC. 2. The Bank Comptroller shall keep his office at the seat of government of this State, and carry into effect the provisions of this Act in the manner hereinafter specified.

SEC. 3. In case the office of Bank Comptroller shall become vacant or in case the Comptroller from any cause shall be incapable of discharging the duties of said office, the Governor of this State, shall appoint a suitable person to perform the duties of Bank Comptroller, and the so appointed shall be invested with all the powers, receive the same salary, and shall perform all the duties of such Comptroller until such vacancy is filled, or such disability be removed, and he shall give bonds in the same manner as is required of the Comptroller in the first Section of this Act.

SEC. 4. All the expenses incurred in and about the conducting the business of the said department, including the salary of the said Comptroller, shall be defrayed and paid by the banking associations and bankers in whose behalf they are incurred. The expenses incurred and

services performed specially for any banking association or banker, including the delivery of new bank bills, for such as may be returned, and the destruction of the latter shall be charged to such banking association or banker, and all other expenses of the said department shall be charged to the said banking associations and bankers, in due proportion to the capital stock of each bank, in such proportions as the said Comptroller, together with the Auditor, shall deem just and reasonable. If such charges are not paid after due notice, the Comptroller may apply the interest or dividends on any stock in his hands deposited by any banking association or bankers so neglecting to make the payments of such charges.

SEC. 5. Whenever any person or association of persons, formed for the purpose of banking under the provisions of this Act, shall duly assign or transfer in trust, to the Bank Comptroller of this State, any portion of the public stocks issued or to be issued by the United States, the State of Minnesota, or any other State stocks on which full interest is annually paid, said stocks to be valued at a rate to be estimated and governed by the average rate at which said stocks have been sold in the City of New York, within the next six months preceding the time when such stocks may be left on deposit with the Comptroller, such person or association of persons shall be entitled to receive from the Comptroller, an amount of such circulating notes of different denominations, registered and countersigned, equal to and not exceeding the amount of public stock assigned and transferred, as aforesaid, but such public stock shall in all cases, be, or be made to be equal to a stock producing six per cent. per annum, and it shall not be lawful for the Bank Comptroller to take such stock at a rate above its par value, nor above its current market value in the City of New York at the time of deposit by such person or association of persons. If at any time, the stocks assigned and transferred to the Bank Comptroller for circulating notes, or any part thereof, shall depreciate ten per cent. or more in value in the New York market, the Comptroller shall reduce the rate at which the same shall be continued to be held as securities, and require such banking association, or banker owning such stocks, to make up the deficiency with such additional stocks as required by this Act, to be transferred and assigned as aforesaid; *Provided*, That if in the opinion of the Bank Comptroller and Governor, any stocks offered shall be deemed insecure, they shall not be received as such securities under the provision of this Act.

SEC. 6. Before any person or banking association, formed under this Act, shall receive from the Comptroller any circulating notes provided in Section five of this Act, the directors or stockholders shall give to the Comptroller, good and sufficient bonds to be approved by him, to the amount of one-fourth of the notes, that the said association shall receive as an additional security to indemnify the bill-holders against any loss that may be sustained in case the securities deposited with the Comptroller shall be insufficient to redeem said bills.

SEC. 7. The bills and notes so to be countersigned and registered on the payment of which shall be secured by the transfer of public stocks, shall have engraved upon their face the words: "Secured by the pledge of public stocks."

SEC. 8. The Bank Comptroller may give to any person or association

of persons so transferring securities in pursuance of the provisions of this Act, power of attorney to receive interest or dividends thereon, which such person or association of persons may receive and apply to their own use; but such power may be revoked upon such person or association of persons failing to redeem the circulating notes so issued. And the Bank Comptroller, upon application of the owners of such transferred securities in trust, may, in his discretion, change or transfer the same for other securities of the kind before specified in this Act, or may transfer the said securities, or any part thereof, upon receiving and cancelling an equal amount of such circulating notes, delivered by him to such person or association of persons, in such manner that the circulating notes shall always be secured in full, as in this Act provided.

SEC. 9. The capital stock and real property of every bank and banking association organized under the provisions of this Act, shall be assessed and taxed in the city, ward, village or town where the same is located, for all state, county, town, school and corporation purposes, in the name of such bank or banking association: *Provided*, that the owner or holder of shares of stock in any bank or banking association, shall not be taxed as an individual for such shares of stock.

SEC. 10. Any person or association of persons may establish offices of discount, deposit and circulation, and become incorporated upon the terms and conditions, and subject to the liabilities prescribed in this Act; but the aggregate of the capital stock of such establishment shall not be less than twenty-five thousand dollars; *Provided*, That no such office shall be established in any town containing less than three hundred inhabitants.

SEC. 11. Such person or association of persons under their hands and seals, shall make a certificate which shall specify:

First—The name assumed to distinguish the bank to be established pursuant to this Act, and to be used in all its dealings, which name shall not be that of any other bank in this State.

Second—The place where the business of discount or deposit of such bank is to be carried on, designating the particular city, town or village.

Third—The amount of capital stock of such bank, and the number of shares into which the same shall be divided.

Fourth—The name and place of residence of the shareholder or shareholders in such bank, and the number of shares held by them respectively.

Fifth—The period at which such bank shall commence and terminate; which certificate shall be acknowledged and recorded in the office of the Register of Deeds of the county where any office of such bank may be established, and a copy thereof shall be filed in the office of the bank Comptroller; and upon the recording of such certificate, the person or persons aforesaid shall become a body politic and corporate by the name assumed as aforesaid, for and during the time fixed in such certificate, and by such name shall have power to contract and be contracted with, sue and be sued, and shall have all other powers, privileges and immunities incident to corporations, and applicable to the ends of such establishments, subject to the provisions and restrictions of this Act.

SEC. 12. A copy of the certificate required by the next preceding sec-

tions, duly certified by the Register of Deeds of the county, or by the bank Comptroller, may be used as evidence in all Courts for or against any such bank, or any person or persons for or against whom any such evidence may be necessary, whether on civil or criminal trial.

SEC. 13. Such person or association of persons shall have power to carry on the business of banking by discounting bills, notes and other evidences of debt, by receiving deposits, by buying and selling gold and silver bullion, foreign coin, and foreign and inland bills of exchange, by loaning money on real and personal securities, and by exercising such incidental powers as may be necessary to carry on such business; may choose one of their number as President, and appoint a Cashier, and such other officers as their business may require, and to remove such President, Cashier, officers and agents at pleasure and appoint others in their place; but no such association or banker shall commence the business of banking under this Act until such association or banker shall have deposited with the Bank Comptroller the securities required by this Act, to the amount of at least twenty-five thousand dollars.

SEC. 14. The shares in such bank shall be deemed personal property, and shall be transferrable on the books of the bank in such manner as may be agreed upon in the articles organizing such bank, and every person becoming a stockholder therein shall, in proportion to his interest, succeed to all the rights and be subject to all the liabilities of prior shareholder or shareholders. No change shall be made in the articles organizing such bank, whereby the rights, remedies or securities of existing creditors shall be in any manner impaired, and any association constituting such bank shall not be dissolved by the death or insanity of any one of the shareholders therein.

SEC. 15. If the maker or makers of any circulating note or notes, countersigned and registered as aforesaid, shall at any time hereafter, on lawful demand, during the usual hours of business, at the place where such note or notes is or are payable, fail or refuse to redeem such note or notes in the lawful money of the United States, the holder of such note or notes making such demand, may cause the same to be protested for nonpayment, by a notary public, under his official seal. But the maker or makers of such note or notes, shall not be liable for the expense of so protesting the same, unless on such demand and refusal so to redeem the same, he or they shall refuse to waive protest, and notice of protest thereon, and such waver of protest shall in all cases be deemed equivalent to the regular protest thereof; and such notary shall, on protesting the same, forthwith forward notice of such protest to the Bank Comptroller, and after such protest suffered it shall not be lawful for the banking company thus suffering protest, to pay out of its notes, discount any notes or bills, or otherwise engage in the business of banking, except to receive and safely keep moneys belonging to it, and deliver special deposits, until said banking company shall have satisfied the Comptroller that there is good and legal defense against the payment of said note or notes. The notary making such protest shall certify in his notice of protest, the number of notes on which said payment was refused, and describe them by their numbers and letters, and shall also certify to the aggregate amount of said notes. The Bank Comptroller on receiving and filing in his office, such protest, together with such note or notes as aforesaid, shall forth-

with give notice in writing to the maker or makers of such note or notes, to pay the same, and if they shall omit to do so for forty days after such notice, the Bank Comptroller shall immediately thereupon, unless he shall be satisfied there is a good and legal defense against the payment of such note or notes, give notice that all the circulating notes of such person or association of persons, and countersigned and registered as aforesaid, will be redeemed out of the trust funds in his hands for that purpose; which notice shall be given by publishing the same in some newspaper printed in the county where the business of such bank is established, and in some newspaper printed at the seat of government of this State, and the Comptroller shall be required to apply the said trust funds belonging to the maker or makers of such protested note or notes, to the payment of all circulating notes, whether protested or not, put in circulation by the maker or makers of such protested note or notes, pursuant to the provisions of this Act, and to adopt such measures for the payment of such notes, as will in his opinion most effectualy prevent loss to the holders of such notes; and to this end the Bank Comptroller may, after the expiration of the said forty days, and after giving thirty days notice by publication in a newspaper printed at the seat of government of this State, and in a daily newspaper printed in the city of New York, proceed to sell, at the Merchant's Exchange in the city of New York, at public auction, the securities so pledged, and out of the proceeds of such sale, shall pay and cancel all bills and notes which have been issued and put in circulation by such bank under the provisions of this Act, to be applied *pro rata* to the payment of all such circulating notes; but nothing in this Act contained shall be considered as implying any pledge on the part of the State for the payment of such bills or notes beyond the proper application of the sureties pledged to the comptroller for their redemption.

SEC. 16. Such bank or banking association shall be liable to pay the holder of every bill or note put in circulation as money, the payment of which shall have been demanded and refused at the banking house or usual place of business of such association or bankers, damages for non-payment thereof, in lieu of interest at and after the rate of twelve per cent. per annum from the time of such refusal until the payment of such evidence of debt, and damages thereon.

SEC. 17. It shall not be lawful for the Comptroller or his deputy, to countersign bills or notes for any association or banker, to an amount in the aggregate exceeding the securities at their value, as before provided in this Act, deposited with him in trust by such association or banker, or to use or dispose of such securities in any manner other than provided for in this Act, and any Comptroller or deputy, who shall violate the provisions of this section, shall upon conviction, be deemed guilty of a misdemeanor, and be punished by a fine not less than five thousand dollars, or be imprisoned not less than five years in the State prison, or by both such fine and imprisonment.

SEC. 18. It shall be lawful for any person or association of persons organized under the provisions of this Act, by his or their articles of association to provide for an increase of their capital and of the numbers of such association from time to time, as they may think proper.

SEC. 19. Contracts made by any bank or banking association, established under the provisions of this Act, and all notes and bills thereby

issued and put in circulation as money, shall be signed by the President or Vice President and Cashier thereof, and all suits, actions and proceedings brought or prosecuted by or on behalf of such bank or banking association, shall be brought and prosecuted in the corporate name mentioned in the certificate made and filed as hereinbefore required.

SEC. 20. It shall be lawful for such bank or banking association to purchase, hold and convey real estate for the following purposes.

First—Such as shall be necessary for its immediate accommodation in the convenient transaction of its business.

Second—Such as shall be mortgaged to it in good faith by way of security for loans made by, or money due to such bank.

Third—Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth—Such as it shall acquire by sale on execution or decree of any Court in its favor. The said bank shall not purchase, hold or convey real estate in any other case, or for any other purpose whatever, and all conveyances of such real estate shall be made to the corporation, and which real estate the President and Cashier may sell, assign, grant, or convey under the direction of the association free from any claim thereon, in favor of or against the shareholders, or any person claiming under them.

SEC. 21. The President and Cashier of every bank formed pursuant to the provisions of this Act, shall at all times keep a true and correct list of the names of all the shareholders of such bank, with the amount of stock held by each, the time of transfer, and to whom transferred, and shall file a copy of such list in the office of the Register of Deeds of the county wherein such bank may be located, and also in the office of the Bank Comptroller, on the first Monday in January and July in each year, and the stockholders in each bank shall be individually liable in an amount equal to double the amount of stock owned by them for all the debts of such bank, and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders

SEC. 22. In the event of the insolvency of any bank established under the provisions of this Act, the bill-holders thereof shall be entitled to preference in payment over all other creditors of such bank.

SEC. 23. It shall not be lawful for any bank formed under the provision of this Act, to make any of its bills or notes to be put in circulation as money, payable at any other place than the office where the business of the bank is carried on and conducted, nor to issue or procure the issue of the same at any other place; and said bills or notes shall be made payable on demand and without interest.

SEC. 24. When the owner or owners of any bank desirous of relinquishing the banking business shall have redeemed at least ninety per cent. of their circulating notes, and shall have returned cancelled the said notes to the Comptroller, and shall produce [to] the Comptroller a certificate of deposit to his credit in such bank as he shall approve, to an equal amount with the circulating notes of such bank unredeemed, in shall be lawful for him to receive the same and give up all the securities heretofore deposited by such banking association or banker for the redemption of circulating notes issued.

SEC. 25. Such banking association or banker after having complied

with the provisions of the last preceding Section, shall give notice for two years in some newspaper printed in the county where such bank shall have been located, and in a paper printed at the seat of government of the State, that all circulating notes issued by such banking association or banker, must be presented at the Comptroller's office within two years from the date of such notice, or that the funds deposited for the redemption of the notes will be given up to the banking association or banker, and on receiving satisfactory proof of the giving of such notice for the time aforesaid the Comptroller shall surrender to the order of such banking association or banker any securities which he may hold for the payment of any unredeemed notes of the said banking association or banker.

SEC. 26. Any banking association or banker wishing to withdraw any of the securities by them deposited with the Comptroller may do so by depositing an equal amount of the circulating notes which may have been issued to said association or banker by the Comptroller in sums of not less than one thousand dollars; *Provided*, That the amount of securities thus withdrawn by deposit of said circulating notes shall not reduce the amount of securities remaining in the hands of the Comptroller to less than twenty-five thousand dollars.

SEC. 27. The securities to be deposited with the Comptroller in trust by any association or banker, shall be held by him exclusively for the redemption of the bills or notes of such bank, put in circulation as money, until the same are paid and returned to the Comptroller, as provided in this Act, but the Comptroller may assign said securities to said association or banker, transferring the same upon receiving therefor equivalent securities or an equivalent amount in circulating notes issued by such bank, as provided in Section twenty-six of this Act.

SEC. 28. All circulating notes of banks or banking associations returned to the Comptroller, shall be destroyed by him, after he shall have made a record of the same, which record shall specify the number of each note, its date, and by whom it was countersigned, and shall be made in the books to be kept by himself for registering circulating notes.

SEC. 29. It shall be the duty of the Comptroller to receive mutilated circulating notes issued by him, and after making a record of them, their denomination and amount to deliver in lieu thereof circulating notes to the same amount.

SEC. 30. All of the bills and notes of any bank or banking association, shall be at all times received by the same in payment of all debts due to such bank or banking association.

SEC. 31. If any portion of the original capital of any banking association shall be withdrawn for any purpose whatever while any debts of the association shall remain unsatisfied, no dividend or profits in the shares of the capital stock of the association shall thereafter be made until the deficit of the capital shall be made good, either by subscription of the shareholders, or out of the subsequent accruing profits of the association; and if it shall appear that any such dividends have been made, it shall be the duty of any Judge of the District Court of the county in which said bank may be located, on application of any person in interest to make the necessary orders and decrees for the closing of

the affairs of the association, and distribute its property and effects among its creditors and shareholders.

SEC. 32. The officers or agents of any banking association or banker who shall pay out, to be put in circulation as money in this State, any bill, note, certificate of deposit, or other paper, having the similitude of a bank note, knowing the same to have been issued otherwise than by the authority of this or any other State of the United States, of the Congress of the United States or of the British Possessions shall, for each offence, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by a fine not less than one hundred dollars, or by not less than three, nor more than twelve months imprisonment, or both by fine and imprisonment.

SEC. 33. Such banks or banking associationsmay demand and receive for loans on real and personal securities, or for notes, bills, or other evidences of debt discounted, a rate of interest or discount not exceeding twelve per cent. per annum, and it shall be lawful to receive the interest in advance, according to the ordinary usage of banking institutions, and to charge for collecting foreign or inland bills, or other evidence of debt, the usual current rate of exchange; and in the computation of time, thirty days shall be a month, and twelve months a year, and in general do all things, and have all the privileges incident to banking associations or corporations.

SEC. 34. Every bank and banking association shall, on the first Monday in January, April, July, and October, in every year, after having commenced the business of banking, as provided in this Act, make and transmit to the Comptroller a report, which said report shall be made on oath of the President and Cashier, and shall contain a true statement of the following items, on the morning of the first Monday of January, April, July, and October, before any business of that day: loans and discounts, over drafts, due from banks, due from Directors of said bank, due from brokers, real estate, specie, cash items, stocks and promissory notes, bills of solvent banks, bills of suspended banks, loss and expense account, capital, circulation, amount due to State Treasurer, amount due to depositors on demand, amount due not included under either of the above heads; and it shall be the duty of the Comptroller to publish said report, together once in some newspaper printed at the seat of government, and the expense of such publication shall be defrayed by a percentage assessed upon the capital stock of all the banks and banking associations of this State, and said report shall be published in the county in which said bank or banks are located, and the expense thereof shall be defrayed by the banks, and if any bank shall fail to furnish to the Comptroller its quarterly report in time for such publication, or shall fail to pay the per centage assessed by the Comptrollerunder this section, when the same shall be demanded by him, it shall forfeit and pay the Comptroller the sum of one hundred dollars, to be applied by him to the expense of publishing the quarterly reports, and the Comptroller is authorized to collect the said forfeiture in his name, upon application to any Court of competent jurisdiction in the county where such delinquent bank may be located; the Bank Comptroller shall also transmit annually to the Legislature, at the commencement of its session, a condensed summary of all the items reported to him by all the banks, which summary, verified by his oath, shall contain a true and correct statement

of the condition of all the banks in the State, at the time of the making of their last report.

SEC. 35. Every bank and banking associations organized under the provisions of this Act, shall annually, on the first monday of January in each year, cause to be published for six successive weeks, in one public newspaper printed in the county in which such bank or banking association may be located, and in some paper printed at the seat of government in this State, a true and accurate statement, verified by the oath of the cashier, of all deposits made with said bank, and of all dividends and interest declared and payable upon any of the stocks, bonds, or other evidences of indebtedness of said bank, which, at the date of such statement, shall have remained unclaimed by any person, or persons, authorized to receive the same, for two years then next preceeding.

SEC. 36. Such statement shall set forth the time that every such deposit was made, its amount, the name and the residence, if known, of the person making it, the name of the person in whose favor the dividend or interest may have been declared, its amount, and upon what number of shares, and on what amount of stocks, bonds, or other evidence of indebtedness, of any such bank, or banking association.

SEC. 37. The Comptroller shall have authority, with the approval of the Governor, to employ in his office such additional clerk, or clerks, as he may deem necessary in order to execute the duties imposed upon him by this Act, and to pay such compensation therefor as they may deem necessary, the same to be paid by a general assessment upon the banks and banking associations for whom the services were performed.

SEC. 38. Whenever the securities deposited with the Bank Comptroller to secure the redemption of the circulating notes of any bank shall be sold in pursuance of Section 15 of this Act, the Bank Comptroller shall immediately destroy all the plates of such bank.

SEC. 39. All the expenses incurred in the advertising and selling of stocks under this Act, shall be audited and allowed by the Bank Comptroller, and deducted from the proceeds of such sale.

SEC. 40. It shall be the duty of the Joint Committee annually chosen to examine the Treasurer's accounts, to examine such of the securities deposited in the Bank Comptroller's office by banking associations and individual bankers, together with books and papers therein relating to the business of banking, as the said committee may deem necessary, to enable them to report the true state and condition of that department to the Legislature.

SEC. 41. Every officer, agent or clerk, of any banking association, or banker, authorized by this Act, who shall wilfully and knowingly subscribe or make any false statement or false entries in the books of such person, or association, or shall knowingly subscribe or exhibit false papers, with the intent to deceive any person authorized to examine as to the condition of such bank, or association, or shall wilfully and knowingly subscribe or make false reports, shall be deemed guilty of felony, and shall be subjected to imprisonment at hard labor in the State Prison for such term not less than one year nor more than ten years, as the Court trying him shall designate. And likewise any commissioner, examiner, master in chancery, or judge, wilfully and knowingly subscribing or making any false report, shall be deemed guilty of felony, and be subjected to like penalties.

SEC. 42. The Bank Comptroller is hereby authorized, at any time, to examine, or to appoint a special agent to examine, the affairs of any bank. Such agent shall take and file in the office of the Clerk of the county where he resides, the oath of office prescribed in the Constitution, and he shall have authority to examine the books, papers, moneys and accounts of such banking association, or banker, and on oath the officers, agents, and clerks of such banking association or banker, touching the matters which he shall be directed to inquire into, and any wilful false swearing in any such examination shall be perjury, and any such person who shall refuse to be sworn, or shall refuse to answer any pertinent or legal question, shall forfeit the sum of one hundred dollars, to be sued for and recovered, with costs, by the Bank Comptroller, in his name of office, and applied by the Bank Comptroller to defray the general expenses of the bank department.

SEC. 43. If it shall appear, from such examination and report, that any banking association or banker, is in an unsound or unsafe condition to do banking business, it shall be the duty of the Bank Comptroller to withhold and refuse to issue or deliver any registered notes to such association, or banker, until such time as he shall be satisfied that such banking association, or banker, is in a sound and safe condition to do a banking business. The reasonable costs and expenses of every such examination shall be paid by the banking association, or banker, whose affairs are examined, to such agent at the time of making such examination.

SEC. 44. Any person, or persons, violating any of the provisions of this Act, shall, upon conviction thereof, pay a fine of not less than fifty dollars or more than five hundred dollars, for each and every such offence, to be recovered before any Court having competent jurisdiction; and all fines and penalties so recovered shall be paid into the State Treasury.

SEC. 45. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

An Act to provide for Township Organization.

Be it enacted by the Legislature of the State of Minnesota:

ARTICLE I.

SECTION 1. The County Commissioners of each County shall, on or before Tuesday, the 6th day of April, A. D. 1858, proceed to divide such County into towns by making as many towns as there are townships, according to Government survey. Fractions of townships, or whole townships, or either of them, may be attached to an adjoining town, or may be divided between two or more towns, for the time being, according to the wishes of a majority of the legal voters to be affected thereby; and when rivers or creeks so divide a township as to be inconvenient for doing town business, the fraction so formed may be disposed of as other fractions; and any township having two or more villages or cities, may be divided for township purposes, whenever a majority of the legal voters of any village or city shall petition the County Commissioners for such division; and whenever the County Commissioners are so petitioned, they shall proceed to divide such township in such manner as will best suit the convenience of the people.

SEC. 2. Towns shall be named in accordance with the expressed wish of a plurality of the inhabitants thereof.

SEC. 3. The County Commissioners shall cause a record of their proceedings to be made by their Clerk, on or before the 19th day of April next succeeding, giving the names and bounds of each town, and the Clerk shall thereupon make out notices for each town, naming a suitable place for holding the first town meeting in such town, which shall be holden on the second Tuesday of May next thereafter, and shall deliver such notices to the Sheriff of the County, who shall cause the same to be posted in not less than three of the most public places of such town, and not less than fifteen days before the eleventh day of May aforesaid; *Provided*, That the annual town elections shall, after 1858, be held on the first Tuesday of April. Within thirty days after making the above named record, the Clerk shall transmit, by mail, to the State Auditor, a copy thereof, giving the names and bounds of each town.

SEC. 4. If the Auditor, on comparing the reports from the several Counties, shall find that any two or more towns have names alike, he shall transmit to the Clerk of the County Commissioners of the County or Counties, the name or names of such town or towns as must be changed, and the County Board, at their next meeting thereafter, shall adopt a different name for such town, so that no two towns organized under this Act, shall be named alike; and shall inform the State Auditor thereof as before directed. And the State Auditor shall make a record of the names and boundaries of all the towns organized under this Act.

SEC. 5. Each town, as a body corporate, has capacity to sue or be sued, in the manner prescribed by the laws of this State; to purchase and hold lands within its own limits, and for the use of its inhabitants; to

make such contracts, purchase and hold such personal property as may be necessary to the exercise of its corporate or administrative powers, and to make such order for the disposition, regulation or use of its corporate property as may be deemed conducive to the interest of its inhabitants, and no town shall exercise or possess any corporate power, except such as are enumerated in this Act, or shall be necessary to the exercise of the powers so granted.

SEC. 6. The qualified voters of the several towns of this State shall annually assemble in town meeting, in their respective town, on the first Tuesday of April, at such place in each town as the electors thereof, at their annual town meeting, shall from to time appoint, and notice of the time and place of holding such meeting shall be given by the Town Clerk, by posting up written or printed notices in three of the most public places in such town, at least ten days prior to said meeting.

SEC. 7. There shall be chosen at such annual town meeting in each town, three Supervisors, one of whom shall be designated as Chairman; one Town Clerk, one Assessor, one Collector, one Overseer of the Poor, two Constables, two Justices of the Peace, and as many Overseers of Roads as there are road districts in the town; *Provided*, That Justices of the Peace and Constables shall be elected only once in two years, except to fill vacancies, and such Justices and Constables shall be successors to precinct Justices and Constables. The Assessors and Supervisors in each town shall be Fence Viewers of such town.

SEC. 8. The electors of each town shall have power, at their annual town meetings, to elect such town officers as may be required to be chosen To direct the institution or defense of suits at law or in equity, in all controversies where such town shall be interested; to direct such sums of money to be raised as may be deemed necessary to pay the expenses of such town; to make rules and regulations in regard to ascertaining the sufficiency of all fences in such town; to determine the time and manner in which cattle, horses, hogs and other animals may go at large.

SEC. 9. Special town meetings shall be held when any twelve freeholders of the town shall state in writing to the Town Clerk, or in his absence, to the Chairman of Supervisors, that such meeting is necessary to the interest of the town, and the Town Clerk or Chairman of Supervisors, shall post up notices in five of the most public places in the town, giving at least ten days notice of such meeting, and such meeting shall act on no subject not signified in the notice calling such meeting.

SEC. 10. The electors present at any time between nine and ten o'clock in the forenoon of the day of the annual town meeting or special town meeting, shall be called to order by the Town Clerk, if there be one present; in case there is none present, then the voters may elect, by acclamation, one of their number Chairman. They shall then proceed to choose one of their number to preside as moderator of such meeting. The Town Clerk last before elected shall be Clerk of the meeting, and shall keep faithful minutes of its proceedings, in which he shall enter at length every order or direction and all rules and regulations made by such meeting. If the Town Clerk be absent then such person as shall be elected for that purpose, shall act as clerk of the meeting.

SEC. 11. Town meetings shall be kept open from the time of opening

until five o'clock P. M., unless a majority present vote to adjourn one hour, from twelve to one o'clock.

SEC. 12. All questions on motions at town meetings, shall be determined by a majority of the electors voting; and the presiding officer shall ascertain and declare the result of the vote on each question.

SEC. 13. If any person offering to vote at any election or on any question arising at such meeting, shall be challenged as an unqualified voter, the presiding officer shall thereupon proceed in like manner as the judges at general elections are required. No person shall be a voter at any town meeting unless he shall be qualified to vote at general elections, and has been for the last ten days, an actual resident of the town wherein he shall offer to vote.

SEC. 14. The minutes of the proceedings of every town meeting shall be recorded in a book for that purpose in the office of the Town Clerk, and subscribed by him and the presiding officer, within two days after such meeting.

SEC. 15. Before the electors shall proceed to elect any town officer, proclamation shall be made of the opening of the polls, by the presiding officer, and proclamation shall, in like manner be made of each adjournment and of the opening and closing of the polls, until the election is ended. The Town Clerk, Assessor, Overseer of Poor, Collector, Supervisor, Constables and Justices of the Peace shall be chosen by ballot, all on one ticket, containing the names of the persons voted for, and the office to which each is intended to be elected. At the closing of the polls, which shall be kept open a reasonable time, the Moderator shall proceed publicly to canvass the votes and proclaim the result. All other officers shall be chosen in such manner as a majority of the electors present may determine. The result of each election shall be entered at length by the Clerk in his minutes, and shall within ten days, notify each person elected to any office at such meetings, of such election, unless such person was present at the time of his election, in which case the proclamation of the Moderator shall be deemed sufficient notice.

SEC. 16. Any person qualified to vote in town meeting, shall be eligible to any office in such town. Every person elected to the office of Town Clerk, Assessor, Overseer of the Poor, Supervisor or Collector, Constable or Justice of the Peace, before he enters on the duties of his office, and within ten days after he shall be notified of his election, shall take and subscribe before some Justice of the Peace, an oath or affirmation, faithfully to perform the duties of his office, and shall cause the same to be filed in the office of the Town Clerk, and the neglect to file such oath or affirmation, as above required, shall be deemed a refusal to serve. Every person elected as Overseer of roads, shall, within ten days after being notified of his election, file in in the office of the Town Clerk a notice of his acceptance. A neglect to file such notice shall be deemed a refusal to serve. Any person elected to either of the above named offices, who shall refuse to serve, shall forfeit to the town the sum of ten dollars. Constables and Justices of the Peace shall hold their office two years, and till others are elected and qualified in their stead. All other town officers shall hold their office one year, or till their successors are elected and qualified in their stead. All other town officers shall hold their office one year, or till others are elected and qualified in their stead.

SEC. 17. The neglect or refusal of any Collector, Constable or other town or county officer, who shall have collected or received any sums of money in his capacity as such officer, to pay over such money or any part thereof, to the person or persons to whom such money shall be due or belonging, or for the purpose for which such money was collected or received, when the same shall be due or demanded by the proper person or authority, shall be deemed a felony and shall be punished by imprisonment in the county jail or State Penitentiary, for the term of one year, for each and every one thousand dollars so neglected or refused to be paid over, and in the same proportion of time for any less sum. And the person so offending, shall be forever thereafter incapable of holding any office in this State.

SEC. 18. If any town shall neglect at its annual town meeting to choose its proper town officers or either of them, or if any vacancy occur during the year, it shall be lawful for the Justices of the Peace, with the Chairman of the Supervisors and Town Clerk, or majority of them, by warrant under their hands, to appoint such officers, and the persons so appointed shall hold their offices until others are chosen or appointed in their places, and shall have the same powers and be subject to the same duties and penalties as if they had been duly chosen by the electors; and in case any town shall refuse or neglect to organize by the election of officers, the Board of Supervisors may annex said town to any adjoining town, and the town so annexed shall thereafter form a part of said adjoining town. The Justices and such other officer or officers, making such appointments, shall cause such warrants to be forthwith filed in the office of the Town Clerk, and forthwith give notice to each person appointed. The Justices of the Peace of a town, may for sufficient cause shown to them, accept the resignation of any town officer of their town, and shall forthwith give notice thereof to the Town Clerk of the town.

SEC. 19. The Chairman of the Supervisors of each town shall receive and pay over all moneys raised therein for defraying town charges, except those raised for the support of highways and bridges. He shall keep a just a true account of all the receipts and expenditures of all moneys which shall come into his hands, by virtue of his office, in a book to be provided for that purpose, and such books shall be delivered to his successors in office. On Tuesday next preceding the annual town meeting, he shall account with the Justices of the Peace and Town Clerk, or a majority of them, who shall constitute the Board of Town Auditors, for the disbursement of all moneys received by him in his official capacity, and at every such accounting, the Justices and Clerk or a majority of them shall enter a certificate in the Supervisor's book, showing the state of his accounts at the date of the certificate.

SEC. 20. The Chairman of the Supervisors of each town shall attend the annual meeting of the County Board of Supervisors and at every adjourned meeting or special meeting of said board, of which he shall have notice, he shall receive all accounts which may be presented to him against the town, and shall lay them before the Board of Town Auditors at or before their annual meeting. He shall lay before the Board of Supervisors such copies of entries concerning moneys voted to be raised in his town, as shall be delivered to him by the Town Clerk.

SEC. 21. Every person chosen or appointed to the office of Collector,

before he enters upon the duties of his office, and within eight days after he receives notice of the amount of taxes to be collected by him, shall execute to the Supervisor of the towns and his successor in office, a bond, and lodge with him the same, with one or more securities to be approved by such Supervisior, in double the amount of such taxes, conditioned for the faithful execution of his duties as such Collector.

SEC. 22. The Supervisors shall, within six days thereafter, file such bond, with his approval endorsed thereon, in the office of the Clerk of the District Court, who shall make an entry thereof in a book to be provided for that purpose, in the same manner in which judgments are recorded.

SEC. 23. Every person chosen to the office of Constable, before he enters upon the duties of his office, and within eight days after he shall be notified of his election or appointment, shall take and subscribe the oath of office prescribed by law, and shall execute, in the presence of the Supervisor or some Clerk of Town, with one or more sureties to be approved of by such Supervisor or Town Clerk, an instrument in writing, which such Constable and his sureties shall jointly and severally agree to pay to each and every person who may be entitled thereto, all such sums of money as the said Constable may become liable to pay, on account of any executions which shall be delivered to him for collection by virtue of his office.

SEC. 24. The Supervisor or Town Clerk shall, if approved, endorse such approval on such instrument, which shall be his approval of the sureties therein named, and then shall cause the same to be filed in the office of the Town Clerk, and a copy of such instrument certified by the Town Clerk shall be presumptive evidence in all Courts of the execution thereof by such Constable and his sureties.

SEC. 25. All actions against a Constable or his sureties upon such instrument shall be prosecuted within two years after the expiration of the year for which the Constable named therein shall have been elected or appointed.

SEC. 26. If any person chosen or appointed to the office of Collector or Constable shall not give such security and take such oath as required above within the time limited for that purpose, such neglect shall be deemed a refusal to serve.

ARTICLE II.

SEC. 1. The Town Clerk of each town in this State shall have the custody of all records, books and papers of the town, and he shall duly file all certificates of oaths and other papers required by law to be filed in his office.

SEC. 2. He shall transcribe in the book of records of his town, the minutes of the proceedings of every town meeting held therein, and he shall enter in his book every order or direction and all rules and regulations made by any town meeting.

SEC. 3. He shall deliver to the Chairman of Supervisors, before the annual meeting of the Board of Supervisors of the county, in each year, certified copies of all entries of votes for raising money, since the last meeting of the Board of County Supervisors and recorded in the town records.

SEC. 4. The Town Clerk, immediately after the election or appointment of any Justice of the Peace, or the qualifying of any Constables elected or appointed in their respective towns, shall return to the Clerk of the County Board of their respective counties, the warrants of said Justices or Constables.

SEC. 5. Copies of all papers duly filed in the office of the Town Clerk, and transcripts from the book of records certified by him, shall be evidence in all Courts in like manner as if the originals were produced.

ARTICLE III.

SEC. 1. In each town, the Town Clerk and Justices, or a majority of them, shall constitute a Board of Auditors to examine the accounts of the Overseer of the Poor or Supervisors of such town, for moneys received and disbursed by them.

SEC. 2. The Board of Auditors of the town accounts, shall meet for the purpose of examining the same annually on the Tuesday preceding the annual town meeting.

SEC. 3. The accounts so audited shall be delivered, with the certificate of the Auditors to the Town Clerk, to be by him kept on file for the inspection of any of the inhabitants of the town. They shall also be produced by the Town Clerk at the next annual meeting, and shall be there read by him.

SEC. 4. The Board of Auditors shall, at the same time and place as in section two, examine and audit all charges and claims against their respective towns, and the compensation of all town officers, except the Chairman of the Supervisors for county services.

SEC. 5. The said Board shall make a certificate to be signed by a majority of said Board, specifying the nature of the claim or demand and to whom the amount is allowed, and shall cause said certificate to be delivered to the Town Clerk, to be by him kept on file for the inspection of any of the inhabitants of said town, and the aggregate amount shall be delivered to the Chairman of the Supervisors, to be by him laid before the Board of County Supervisors at their annual meeting. The Board of County Supervisors shall cause said amount to be levied on the property of said town, and collected as other taxes are levied and collected. The claims and compensation so audited and allowed, shall be read to the electors at the next annual town meeting, as directed in section three.

SEC. 6. The following officers shall receive compensation at the following rates, for each day necessarily devoted by them to the duties of their respective offices, viz: The Town Clerk, Assessors, Overseers of the Poor and Supervisors, shall receive two dollars per day when attending to business out of town, and one dollar per day for business in town; *Provided*, That the Town Clerk shall be paid fees for the following and not a per diem: For serving notices of election upon town officers as required by law, twenty-five cents each; for filing any paper required by law to be filed in his office, fifteen cents each; for posting up notices required by law, twenty-five cents each; for recording any order or instrument of writing authorized by law, ten cents for each hundred words, to be paid by the town; for copying any record in his office and certifying the same, ten cents for each hundred words, to be paid by the person applying for the same.

ARTICLE IV.

SEC. 1. The following shall be deemed town charges, viz: The compensation of town officers for their services; contingent expenses necessarily incurred for the benefit of the town; the money authorized to be raised by the vote of a town meeting for any town purposes; and every sum directed by law to be raised for any town purpose.

SEC. 2. The moneys necessary to defray the town charges of each town shall be levied on the taxable property in such town, in the manner in which other moneys are raised for State and county purposes, and shall be collected by the Town Collector and paid over by him to the Chairman of the Supervisors.

SEC. 3. It shall be the duty of every person going out of office to deliver upon oath, to his successor, all the records, books, or papers in his possession or control, belonging to the office held by him. It shall be the duty of any officer so going out of office, to pay over to such successor the balance of any moneys remaining in his hands, as ascertained by the Auditors.

ARTICLE V.

SEC. 1. Each county, as a body corporate, has capacity,

First—To sue and be sued in the manner prescribed by law;

Second—To purchase and hold lands within its own limits, and for the use of said county;

Third—To make such contracts and to purchase and hold such personal property as may be necessary for the exercise of its corporate or administrative powers;

Fourth—To make such orders for the disposition, regulation or use of its corporate property as may be deemed conducive to the interest of its inhabitants.

SEC. 2. No county shall possess or exercise any corporate powers except such as are enumerated in this Act, or shall be specially given by law, or shall be necessary to the exercise of the powers so enumerated or given.

ARTICLE VI.

SECTION 1. The chairmen of the Supervisors of the several towns shall meet annually, at the county-seat, on the second Monday of September, in their respective counties, for the dispatch of business, as a Board of County Supervisors. They may also hold special meetings at such times and places as they may think expedient, and shall have power to adjourn from time to time as they may deem necessary.

SEC. 2. The Board of County Supervisors, at their first meeting in each year, shall organize by choosing one of their number as chairman, who shall preside at all meetings of the Board during the year. In case of his absence at any meeting, the members present shall choose one of their number as temporary chairman.

SEC. 3. The Board of Supervisors of each county shall have power, at their annual meetings, or at any other meeting,

First—To make all such orders concerning the corporate property of the County as they may deem expedient;

Second—To audit all accounts against such County, and to direct the raising of such sums as may be necessary to defray the same;

Third—To audit such accounts of town officers, and other persons, against their respective towns as are not otherwise, by law, provided for, and to direct the raising of such sums as may be necessary to defray the same;

Fourth—To appropriate funds to aid in the construction of bridges and roads in any part of the County, whenever a majority of the whole Board may deem it proper and expedient;

Fifth—To perform all other duties not inconsistent with this Act, which may be required of or enjoined on them by law.

SEC. 4. A majority of the Supervisors of any County shall constitute a quorum for the transaction of business; and all questions which shall arise shall be determined by a majority of the members present, except in cases otherwise provided, and all their meetings shall be open to the public.

SEC. 5. The chairman of the Board of Supervisors shall have power to administer oaths to any persons, concerning any matter submitted to the Board, or connected with their powers and duties.

SEC. 6. The Register of Deeds shall be Clerk of the Board of County Supervisors, and whose general duty shall be:

First—To record in a book for that purpose all the proceedings of the Board;

Second—To make regular entries of all the resolutions or decisions on all questions concerning the raising or payment of moneys, or for regulating affairs under their control;

Third—To record the vote of the members on any question submitted to the Board, if required by any member, and to file and preserve all accounts voted upon by the Board.

SEC. 7. The Clerk shall receive a compensation of two dollars per day for his services, during the session of said Board.

SEC. 8. The books, records and accounts of the Board shall be deposited with the Clerk, and shall be open without reward to the examination of any inhabitant of the County.

SEC. 9. It shall be the duty of the Clerk to designate in every account the sum audited and allowed on such account by the Board, and the charges for which the same was allowed; he shall deliver to any person who may demand it a copy of any account on file in his office, on receiving from such person ten cents for each hundred words contained in such copy.

SEC. 10. It shall be the duty of the several Boards to cause to be built in their respective Counties a Court House and Jail, or repair the same when two-thirds of the whole Board shall deem it expedient, at the expense of such County.

SEC. 11. It shall be the duty of the Board of Supervisors to take charge of the poor of their respective Counties, and the Overseers of the Poor of the several towns shall be accountable to, and their compensation shall be audited by the Board and paid by the County.

SEC 12. Each member of the Board of County Supervisors shall be allowed a compensation for his services in attending the meetings of the Board, or attending to any other business for the benefit of the County, at the rate of two dollars per day, and mileage at the rate of ten cents per mile, to be audited by the Board and paid by the County.

SEC. 13. If any Supervisors shall wilfully refuse or neglect to perform any of the duties required of him by law as a member of the Board, he shall, for every such offence, forfeit the sum of ten dollars.

ARTICLE VII.

SECTION 1. Every person elected or appointed to the office of County Treasurer, shall, within ten days after he is notified of his election or appointment, file in the office of the Register of Deeds a written notice of his acceptance of the office. It shall then be his duty to receive all moneys belonging to the County, from whatever source they may be derived, and all moneys belonging to the State, which are directed by law to be paid to him, and to pay and apply such moneys in the manner required by law. He shall keep a just and true account of all moneys received by him, in a book for that purpose.

SEC. 2. The County Treasurer shall have the same power to collect the taxes charged against the lands or town lots of delinquents or non-residents, and to make a sale thereof, as is now vested in the Sheriff, or Collector, or Register of Deeds under the laws of this State, and shall account for and pay over the State tax in like manner, and at the same time that the County Collectors or Register of Deeds are required to pay over said tax, and he shall within twenty days after having completed the collection of the delinquent tax, deposit the assessment rolls or tax books returned by the Town Collectors, in the office of the County Clerk.

SEC. 3. At the annual meeting of the County Board of Supervisors, or at such other times as they shall direct, the County Treasurer shall exhibit to them all his books, and accounts and all vouchers relating to the same, to be credited or allowed.

SEC. 4. Upon the death, resignation or removal from office of any County Treasurer, all the books and papers belonging to his office, shall be delivered to his successor, on oath, that all has been so delivered, or in case of his death, on the oath of his executors or administrators. In case such Treasurer shall have left the County, any one having charge of the books or papers belonging to said office shall deliver them up, and on oath, if required. And if any person whose duty it is to deliver up said books and papers as aforesaid, shall neglect or refuse to do so when lawfully required, shall forfeit to the use of said County the sum of one thousand dollars, or be imprisoned in the county jail till such delivery is made.

SEC. 5. The County Treasurer shall be allowed two per cent on the State tax received and paid into the State treasury, and shall be allowed one per cent. for receiving the county tax, and one per cent. for paying out the same, except that he shall not be allowed any commission for paying over to his successor.

SEC. 6. Whenever any County Treasurer shall fail or refuse to pay over the county revenue, he shall be subject to the penalty named in Section seventeen, in Article one of this Act.

ARTICLE VIII.

SEC. 1. Every person shall be assessed in the town where he resides

for all lands owned by him in such town, land owned by a person residing in a town where the same is situated, but occupied by another person, may be assessed to the owner or occupant, at the election of the Assessor. All lands owned by any person which are not situated in the town where such owner may reside, shall be taxed as non-resident, as hereinafter provided.

SEC. 2. Every person shall be assessed in the town where he resides, where the assessment is made, for all personal estate owned by him, including all such personal estate in his possession or under his control as Trustee, Guardian, Executor or Administrator, and in no case shall property held under either of these trusts, be assessed to any other person.

SEC. 3. The real estate of all incorporated companies liable to taxation, shall be assessed in the town where the same shall lie, in the same manner as the real estate of individuals. All the capital stock of any incorporated company liable to taxation, shall be assessed in the town where the principal office of said company is located or business transacted. In cases of toll bridges, the company owning such bridge shall be assessed in the town where the tolls are collected. The horses and stages of stage companies shall be taxed in the town where they are usually kept.

ARTICLE IX.

SEC. 1. It shall be the duty of the Clerk of the County Board in each county, to procure or prepare in conformity with the instructions he may from time to time receive from the State Auditor, blanks or books properly ruled, with suitable heading, for the use of the Assessors of the several towns in his county, a suitable number of which shall always be ready for the Assessors throughout the county, and each Assessor shall be supplied with the same before the first day of June in each year. The expense of purchasing the same shall be audited by the County Board and paid by the county. He shall also present each Assessor with a list of all taxable lands within their respective towns that have not been before furnished.

SEC. 2. Between the first days of June and July in each year, the Assessor shall proceed to ascertain, by diligent inquiry, the names of all the taxable inhabitants in his town. and also the taxable property, real or personal, within the same, and he shall set down in separate columns as headed, the number or quantity and value of each article or taxable property, according to the best of his information and judgment.

SEC. 3. The Assessor shall complete the assessment on or before the first Tuesday in July in each year, and shall on that day meet with the Town Clerk and Chairman of Supervisors at the office of the Town Clerk, and on the application of any person aggrieved, they shall review the assessment, and if the Board, or a majority of them, think it advisable, they may reduce the assessment of such person, and in such case the Assessor shall correct his list.

SEC. 4. After the assessment roll is corrected, according to Section Three of this Article, the Assessor shall attach thereto and sign a certificate in the following form :

"I hereby certify, that I have set down in the above assessment roll,

all the real and personal estate situated in the town (or district, as the case may be,) according to my best information, and that I have estimated the true value thereof, according to the best of my judgment and belief."

SEC. 5. The Assessors, in the execution of their duties, shall use forms and pursue the instructions which shall from time to time be transmitted to them by the State Auditor or Clerk of the County Board.

SEC. 6. In assessing lands and town lots, the Assessor shall assess each lot and each section, and so far as practicable, each government subdivision of a section by itself, and shall return the assessment roll, certified, to the Clerk of the County Supervisors, on or before the first day of September in each year.

SEC. 7. The Clerk, upon the receipt of the several assessment rolls, shall carefully compare the same with the list of taxable lands on file in his office, correcting all errors that he may discover, and add to the roll of the proper town the name of the purchaser and the description of all such lands as have been omitted by the Assessor, which are liable to taxation. He shall then make a fair copy of the several assessment rolls; which copy, with the original, shall be laid before the County Board at their annual meeting in each year; for which service the Clerk shall be allowed three cents for each tract of land and one cent for each person's name, and valuation of personal property contained in said rolls.

SEC. 8. If any assessor shall wilfully neglect or refuse to perform any of the duties required of him by this Act, he shall forfeit to the county the sum of twenty-five dollars.

ARTICLE X.

SEC. 1. The Board of Supervisors of each county, at their annual meeting, shall examine the assessment rolls of the several towns in their county, for the purpose of ascertaining whether the valuations in one town or district, bear a just relation to all the towns or districts in the county, and they may increase or diminish the aggregate valuation of real estate in any town or district, by adding or deducting such sums as may, in their opinion, be necessary to produce a just relation between all the valuations of real estate in the county; but they shall in no instance reduce the aggregate valuations of all the towns and districts below the aggregate valuation thereof as made by the Assessor. They may make such alterations in the descriptions of lands of non-residents as they shall deem necessary, and they shall assess the value of all such lands as have been omitted by the Assessor, and listed by the Clerk, and cause the same to be placed opposite the description of said lands in a column for that purpose.

SEC. 2. They shall, at their annual meeting, fix upon a certain rate on the hundred dollars, to be levied upon the taxable property, both real and personal, in their respective counties, for county purposes, which they shall cause to be entered on their record. They shall carefully compare the copy made by the clerk, with the original assessment roll; and when so compared and corrected, they shall cause the taxes to be extended on the copy. They shall also cause to be indorsed on the original assessment roll the amount per cent. levied on each hundred dollars of valua-

tion, as taxes thereon, under the hand of their chairman, attested by the clerk and the seal of the county; which roll shall remain in the county clerk's office until the month of March thereafter. The town clerk shall call on the county clerk during the month of March in each year for said roll of the previous year of their respective towns, which rolls they shall file in their respective offices for the use of the town.

SEC. 3 They shall cause to be estimated and set down in a separate column for that purpose, in the copied assessment roll opposite the several sums set down as valuations of real and personal estate, the respective sums in dollars and cents, to be paid as a tax thereon. They shall also cause to be added up and set down, the aggregate valuation of the real and personal estate, in the several towns and districts as corrected by them, and the county clerk shall transmit to the State Auditor, by mail, a certificate of such aggregate valuation showing separately the aggregate valuation of real and personal estate, and the amount of State and county tax.

SEC. 4. The board of county supervisors shal' cause the copied and corrected assessment roll of each town or district in their respective counties, with the taxes extended thereon, to be delivered to the Collector of such town or district on or before the fifteenth day of November in each year.

SEC. 5. To each assessment roll so delivered to a collector, a warrant under the hand and seal of the chairman of the board of Supervisors, attested by the county clerk shall be annexed, commanding such collector to collect from the several persons named in the assessment roll, the several sums mentioned in the last column of such roll opposite their respective names. The warrant delivered to the Collector of a town shall direct the collector, out of the moneys to be collected, after deducting the compensation which he may legally be entitled to, which compensation shall be three per cent. on the hundred dollars of tax, to pay over to the chairman of the supervisors, the amount of tax collected for the support of highways and bridges, and to the county treasurer, the State and county tax collected by them. The county treasurer shall pay over to the proper officers the amount of tax collected by them on delinquent and non-resident's estate.

SEC. 6. In all cases the warrant shall authorize the Collector, in case any person named in such assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of the goods and chattels of such person, and it shall require payment therein specified to be made by such collector before the fifteenth day of February next ensuing, in gold or silver coin.

SEC. 7. The Chairman of the Board of Supervisors and Clerk, as soon as the assessment rolls have been delivered to the several Collectors, with such warrant annexed, shall transmit under their hands and seals to the Treasurer of the county an account thereof, stating the names of the several Collectors, the amount they are respectively to collect, the purposes for which the same are to be collected, and the persons to whom, and the times when the same are to be paid, and the County Treasurer on receiving such accounts, shall charge to such Collector the sums to be collected by him.

ARTICLE XI.

SEC. 1. Every Collector on receiving the tax list and warrant, shall proceed to collect the taxes therein named, and for that purpose shall call at least once on the person taxed, or at his or her place of residence, and demand payment of the taxes charged to him on his property. In case any person shall refuse or neglect to pay the tax imposed on him, the Collector shall levy the same by distress and sale of goods and chattels of the persons who ought to pay the same.

SEC. 2. The Collector shall give public notice of the time and place of sale, and of the property to be sold, at least ten days previous to the sale, by advertisement, to be posted up in at least three public places in the town where such sale is to be made. The sale shall be by public auction.

SEC. 3. If the property distrained shall be sold for more than the amount of taxes, the surplus shall be returned to the person in whose possession such property was when the distress was made.

SEC. 4. In case any person upon whom any tax shall be assessed, under the provisions of this Act, in any town or district, shall have removed out of such town or district, after such assessment and before payment of such tax, it shall be lawful for the Collector of the town where such tax was assessed, to levy and collect such tax of the goods and chattels of the person assessed, in any town or district in this State to which such person may have removed or in which he may reside.

SEC. 5. Every Collector shall pay over within one week after the time mentioned in his warrant for paying the moneys directed to be paid to the town officer of his town, and to the County Treasurer, the sums required in such warrant to be paid to them respectively, retaining the compensation to which he may be legally entitled. The town officers to whom any moneys shall be paid, shall deliver to the Collector duplicate receipts therefore, one of which shall be filed by the Collector with the County Treasurer, which shall be to the credit of the Collector, and no other evidence of such payment shall be required by the Treasurer.

SEC. 6. If any of the taxes entered in his tax bill shall remain unpaid and the Collector shall not be able to collect the same in the time required by his warrant, he shall then deliver to the County Treasurer his tax book, and a list of such taxes due and unpaid, and on making oath before the County Treasurer, or in his absence, before a Justice of the Peace, that the sums named in said list remain unpaid, and that he has not, upon diligent enquiry, been able to find any goods or chattels belonging to the persons liable to pay such taxes, whereon he could levy the same, he shall be credited by the Treasurer the amount thereof, and the Treasurer shall give the Collector a receipt therefor.

SEC. 7. If any person chosen or appointed to the office of Collector of any town or district shall refuse to serve or shall die or resign, or the office becomes vacated in any other way, before he shall have entered on or completed the duties of his office, or shall be in any way disabled from completing the same, the Chairman of Supervisors and Justices of such town or district, or any two of them, shall forthwith appoint a Collector for the remainder of the year, who shall be subject to like penalties and have the same powers and compensation as the Collector in whose place he was appointed, and the Town Clerk shall forthwith give

notice of such apppointment to the County Treasurer. But such appointment shall not relieve the former Collecter from any liability incured by him.

SEC. 8. If any warrant shall have been issued as by law provided, prior to any appointment under the last section, the original warrant, if it can be obtained, shall be delivered to the Collector so appointed, and shall be considered as giving him the same powers as if originally issued to him. But if such warrant cannot be obtained, a new one shall be made out in the same manner as the original was, and upon every such appointment, the Chairman of the Supervisors of such town may extend the time for collection, not exceeding thirty days, if he shall think it necessary, of which extension he shall forthwith give notice to the County Treasurer. The Collector so appointed shall keep an account of all collections made by the former Collector, so far as he can ascertain the same, and when any one shall present a receipt for taxes paid to the former Collector, he shall mark against the amount of taxes so paid, to whom paid, and the time when paid.

SEC. 9. If any Collector shall refuse or neglect to pay over the sums required by his warrant to the proper person, or account for the same as unpaid, the County Treasurer shall, within twenty days after the time when such payments ought to have been made, issue a warrant under his hand and seal, directed to the Sheriff of the county, commanding him to levy such sums as shall remain unpaid and unaccounted for by such Collector, of the goods and chattels, lands and tenements of such Collector, and pay the same to the County Treasurer, and to return such warrant within forty days after the date thereof; which warrant the Treasurer shall immediately deliver to the Sheriff of the County.

SEC. 10. The Sheriff to whom such warrant is directed shall immediately cause the same to be executed, and shall make return thereof to the Treasurer, within the time specified, and shall pay to him the money received in virtue thereof, deducting therefrom as his fees, the same compensation as the Collector would have been entitled to retain. Such part of the moneys, if any, as ought to have been paid by the Collector, to the town officers, shall be paid by the Treasurer to the officers to whom the Collector was directed to pay the same, but if the whole amount of moneys due from the Collector, shall not be collected in such warrant, the County Treasurer shall first retain the amount which ought to have been paid to him before making payment to the town officers.

SEC. 11. If the whole sum due from said Collector shall be collected, the Sheriff shall so state in his return; but if part only, or if no part of such sum shall be collected, the Sheriff shall state in his return, the amount levied, if any, exclusive of his fees, and shall also certify that such Collector has no goods or chattels, lands, or tenements in his county, from which the moneys, or the residue thereof, as the case may be, could be levied, and in either case the Treasurer shall immediately give notice to the Chairman of the Supervisors of the town or district of the amount due from such Collector, and the Chairman shall immediately proceed to put in force against such Collector, the penalty named in Section seventeen of Article one of this Act.

SEC. 12. If any Sheriff shall neglect to return any such warrant, or to pay the money collected thereon, within the time limited for the return

of said warrant, or shall make any false return thereon, the County Treasurer shall forthwith proceed to collect the whole sum directed to be levied by such warrant, by a proper suit therefor; and he may proceed in the first instance by a writ of attachment against the goods and chattels, lands and tenements, rights and credits of such Sheriff, and the same proceeding may be had thereon in any proper Court as provided by law in ordinary cases of attachment. In case the Treasurer shall fail to collect such moneys by suit or attachment, as is provided in the next preceding Section, he shall proceed to enforce the penalty provided for such default in Section seventeen of Article one of this Act.

SEC. 13. Upon the settlement of the amount of taxes directed to be collected by any Collector in any of the towns or districts of this State, the County Treasurer shall give to such Collector a certificate of the settlement, which shall be his discharge in full.

ARTICLE XII.

SEC. 1. The Supervisors in the several towns in this State shall have the care and superintendence of Roads and Bridges therein; and it shall be their duty to give directions for the repairing of the roads and bridges in their respective towns; to regulate the roads already laid out, and to alter such of them as they or a majority of them shall deem proper, as hereinafter provided; to cause the roads and the bridges which are or may be erected over streams intersecting roads to be kept in repair; to divide their respective towns into so many road districts as they shall deem convenient, by writing, under their hands, to be lodged with the Town Clerk, and by him to be entered in the town records—such division to be made annually if they shall think it necessary, and in all cases to be made at least ten days before the annual town-meeting; to assign to each of the said road districts such of the inhabitants liable to work on highways as they shall think proper, having such regard to proximity of residence as may be, and to require the Overseers of Highways, from time to time, as often as they shall deem necessary, to warn all persons liable to work on roads to come and work thereon, with such tools, carriages, cattle or teams as the said Overseers or either of them shall direct.

SEC. 2. The Supervisors of each town shall render to the Board of Town Auditors, at their annual meeting for auditing the accounts of town officers, an account in writing, stating the labor assessed and performed in such town, the sums received by such Supervisors for fines and commutations, and all other moneys received under this Act; a statement of the improvements necessary to be made on the roads and bridges, and an estimate of the probable expense of making such improvements, beyond what the labor to be assessed in that year and the road-tax will accomplish; also, a statement in writing of all expenses and damages in consequence of laying out, altering or discontinuing roads.

SEC. 3. It shall be the duty of Overseers of Highways in each town to repair and keep in order the roads within their several districts for which they shall have been elected; to warn all persosns from whom labor is due, to work on the highways, at such times and places within their several districts as they may think proper; to collect all fines and

commutation money, and to execute all lawful orders of the Supervisors; and to deliver to the Town Clerk, within sixteen days after their election or appointment, a list subscribed by such Overseer, of the names of all the inhabitants in his road district who are liable to work on the highways.

SEC. 4. If any person chosen or appointed to the office of the Overseer of Highways shall refuse to serve, or if his office shall become vacant, the Supervisors of the town shall, by warrant under their hands, appoint some other person in his stead; and the Overseer so appointed shall have the same powers, be subject to the same orders, and liable to the same penalties as Overseers chosen at the town meeting.

SEC. 5. The Supervisors making the appointment shall cause such warrant to be forthwith filed in the office of the Town Clerk, who shall give notice to the person appointed, as in other cases.

SEC. 6. Every Overseer of Highways who shall refuse or neglect to perform any of the duties of this Act, or which may be lawfully required of him by the Trustees of his town, shall, for every such refusal or neglect, forfeit the sum of ten dollars, to be sued for by the chairman of the Supervisors of the town, and when recovered to be applied by him in making and improving the roads and highways therein.

SEC. 7. The Supervisors of each town shall meet at the Town Clerk's office within eighteen days after they shall be chosen, on such day as they shall agree upon, and afterwards at such other times and places as they shall think proper.

SEC. 8. The Town Clerk shall deliver the lists filed by the Overseers to the Supervisors of the town, who shall proceed to ascertain, estimate and assess the highway labor and road tax to be performed and paid in their town the next ensuing year.

SEC. 9. Every male inhabitant being above twenty-one years and under the age of fifty, (excepting paupers, idiots, lunatics, and such others as are exempt by law), shall be assessed at least two days in each year. The Supervisors shall assess a road tax on all real estate liable to taxation of the town, to any amount they may deem necessary, not exceeding fifty cents on each one hundred dollars of value, as valued on the assessment roll of the preceding year. They shall affix the name of each person named in the lists so furnished by the Overseers, the number of days assessed to each person for highway labor, and also a description of each tract of land and the name of the owner, if known, with the valuation thereof as taken from assessment roll of the previous year, and the amount of road tax assessed thereon in a separate column. The lists so prepared shall be signed by the Supervisors and deposited with the Town Clerk, to be filed in his office.

SEC. 10. The Supervisors shall direct the Town Clerk to make a copy of each list, shall sign such copies, after which they shall cause the several copies to be delivered to the respective Overseers of Highways of the several districts in which the highway labor is assessed. One copy for each Overseer shall contain the name and number of days assessed to each person, the other the land road tax.

SEC. 11. The names of persons left out of such list, and of new inhabitants, shall from time to time be added to the several lists, and they shall be rated by the Overseers in the same proportion, to work on the highways, as others rated by the Supervisors on such lists.

ARTICLE XIII.

SECTION 1. It shall be the duty of Overseers of Highways to give at least three days notice to all persons assessed to work on highways, and living within the limits of their respective districts, of the time and place, when and where they are to appear for that purpose, and with what implements; but no person being a resident of the town shall be required to work on any highway other than in the district in which he resides.

SEC. 2. Every person liable to work on the highways, shall work the whole number of days for which he shall have been assessed; but every such person, other than Overseers of Highways, may elect to commute for the same, or for some part thereof, at the rate of one dollar and fifty cents per day; in which case such commutation money shall be paid to the Overseers of Highways of the district in which the person commuting shall reside, to be applied and expended by the Overseer in the improvement of the roads and bridges in the same district.

SEC. 3. Every person intending to commute for his assessment, or any part thereof, shall, within twenty-four hours after he shall be notified to appear and work on the highways, pay the commutation money for the work required of him by such notice, and the commutation shall not be considered as made until such money be paid,

SEC. 4. Every Overseer of Highways shall have power to require a team or cart, wagon or plow, with a pair of horses or oxen, and a man to manage them, from any person having the same within his district, who shall have been assessed two days or more, and who shall not have commuted his assessment, the person furnishing the same upon such requisition shall be credited for two days for each day's service therewith.

SEC. 5. Every person assessed to work on the highways and warned to work, may appear in person, or by an able bodied man as a substitute, and the person or substitute so appearing shall actually work ten hours in each day, under a penalty of fifteen cents for every hour such person or substitute shall be in default, to be imposed as a fine on the person assessed.

SEC. 6. Every person so assessed and duly notified, who shall not commute, and who shall refuse or neglect to appear as above provided, shall forfeit for every day's refusal or neglect the sum of two dollars. If he was required to furnish a team, carriage, man, or implements, and shall refuse or neglect to comply, he shall be fined as follows:

For wholly omitting to comply such requisition, four dollars for each day.

For omitting to furnish a cart, wagon or plow, one dollar for each day.

For omitting to furnish a pair of horses or oxen, one dollar and fifty cents for each day.

For omitting to furnish a man to manage the team, one dollar and fifty cents for each day.

SEC. 7. It shall be the duty of every Overseer of Highways, within six days after any person so assessed and notified, shall be guilty of any refusa, or neglect for which a penalty or fine, is prescribed in this Act, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint to one of the Justices of the Peace of the town.

SEC. 8. The Justice to whom such complaint shall be made, shall forthwith issue a summons, directed to any constable of the town, requiring him to summon such delinquent to appear forthwith before such Justice, at some place to be specified in the summons, to show cause why he should not be fined according to law for such refusal or neglect, which summons shall be served personally, or by leaving copy at his abode.

SEC. 9. If upon the return of such summons, no sufficient cause shall be shown to the contrary, the Justice shall impose a fine as is provided in this Act for the offense complained of, and shall forthwith issue a warrant, under his hand, directed to any constable of the town where such delinquent shall reside, commanding him to levy such fine, with the costs of proceedings, of the goods and chattels of such delinquent.

SEC. 10. The constable to whom such warrant shall be directed, shall forthwith collect the moneys therein mentioned. He shall pay the fine, when collected, to the Justice who issued the warrant, who is hereby required to pay the same to the Overseer who entered the complaint, to be by him expended in improving the roads and bridges in the district over which he is overseer.

SEC. 11. Every penalty collected for the neglect or refusal to appear and work on the highways, shall be set off against his assessment upon which it was founded, estimating each two dollars collected as a satisfaction for one days work.

SEC. 12. The acceptance by an Overseer of any excuse for refusal or neglect, shall not, in any case, exempt the person excused from commuting for, or working the whole number of days for which he shall have been assessed during the year.

SEC. 13. Every Overseer of Highways shall be entitled to one dollar and fifty cents per day, to be paid out of fines and commutation money, for every day he is necessarily employed in the execution of his duties as Overseer, beyond the amount of his own highway labor and tax—the number of days to be accounted to, and audited by the Supervisor of the town. When there are no funds from fines or commutations, the Supervisors may pay the Overseers out of other funds in their hands.

SEC. 14. It shall be the duty of the Overseer of Hignways to warn all residents of his district against whom a land road tax is assessed, giving them three days notice to work out the same on the highways, and he shall receive such tax in labor from every able bodied man, or his substitute, at the rate of one dollar per day, and any person or his agent may pay such tax in road labor at the rate of one dollar per day, or any person may pay such tax in money if he elect to do so.

SEC. 15. It shall be the duty of the Overseer of Highways, when such land tax has been paid, either in money or labor, to write the word "paid" distinctly against each name or tract in his list on which the same has been paid.

SEC. 16. Every Overseer of Highways shall deliver to the Chairman of the Supervisors of his town, at least five days previous to the annual meeting of the Supervisors, a list furnished by the Supervisors, containing the land road tax, with his certificate thereon, that on all tracts of land in said list, opposite which the word "paid" is not written, such tax is due and remains unpaid, according to the best of his knowledge and belief.

SEC. 17. If any Overseer shall refuse or neglect to deliver such list with his certificate, as provided in the last section, he shall, for every such offence, forfeit the sum of five dollars, and also the amount of tax remaining unpaid, to be recovered by the Supervisors and applied by them in improving the bridges and roads of such town.

SEC. 18. It shall be the duty of the Supervisors of such town, to cause the amount of such arrearages of road tax to be levied on the lands so returned, and to order the same when collected, to be applied to the construction or repair of roads and bridges.

SEC. 19. It shall be the duty of every Overseer of Highways, to have at least three-fourths of the road labor assessed in his district, worked out or actually expended on the highways previous to the first day of October in each year.

SEC. 20. Every Overseer of Highways shall, on the second Tuesday next preceding the time of holding the annual town meeting in his town, within the year for which he is elected or appointed, render to one of the the Supervisors of the town, an account in writing, containing:

First—The names of all the persons assessed to work on the highways in the district of which he is overseer.

Second. The names of all those who have actually worked on the highways, with the number of days they have worked.

Third. The names of all those who have been fined and the sums in which they have been fined.

Fourth. The names of all those who have commuted and the manner in which the moneys arising from fines and commutations, have been expended by him.

SEC. 21. Every such overseer shall also then and there pay over to Supervisors all moneys remaining in his hands unexpended, to be applied by the Supervisors in making and improving the roads and bridges in the town.

SEC. 22. If any Overseer shall refuse or neglect to render such account or if having rendered the same, he shall refuse or neglect to pay any balance which may then be due from him, he shall for every such offence, forfeit the sum of five dollars, to be recovered with the balance of the moneys remaining in his hands, by the Supervisors of the town and applied to the making or improving of roads and bridges in such town.

ARTICLE XIV.

SECTION. 1. The Supervisors of the town may alter or discontinue any road, or lay out any new road, when petitioned by any number of legal voters, not less than twelve, residing within three miles of the road so to be altered, discontinued, or laid out. Said petition shall set forth in writing, a description of the road and what part thereof is to be altered or discontinued; and if for a new road, the names of the owners of the land, if known, over which the road is to pass, the point at which it is to commence, its general course, and the point near which it is to terminate.

SEC. 2. Whenever any number of legal voters determine to petition the Supervisors for the alteration or discontinuance of any road, or laying out of any new road, they shall cause a copy of their petition to be

posted up in three of the most public places of the town, twenty days before any action shall be had in relation thereto.

SEC. 3. Whenever the Supervisors shall receive a petition in compliance with the two preceding sections, they, or a majority of them, shall, within ten days after the expiration of the twenty days named in Section Two, personally examine the proposed alteration, discontinuance, or route for the new road proposed, and shall hear any reasons that may be offered for or against altering, discontinuing, or laying out the same. If they shall consider such alteration, discontinuance, or laying out, necessary and proper, and that the public interest will be promoted thereby, they shall grant the prayer of the petitioners as hereinafter provided.

SEC. 4. Whenever the Supervisors shall determine to lay out any new road, or alter any old one, they shall cause a survey to be made, by a competent surveyor, who shall make a report to them of such survey, accompanied with a plat, particularly describing the route by metes and bounds, courses and distances; they shall incorporate such report and survey, accompanied with a plat in an order to be signed by them, declaring such road, so altered or laid out, to be a public highway, which order, together with the petition, shall be deposited with the Town Clerk, who shall note the time of filing the same. In case the Supervisors shall determine not to alter discontinue, or lay out any road in accordance with any petition to them presented, they shall note the fact on the back of such petition, and deposit it with the Town Clerk, who shall note the time of filing the same.

SEC. 5. It shall be the duty of the Town Clerk, whenever any order of the Supervisors for laying out, altering or discontinuing a road shall be received by him, to carefully file the same, and the time hereinafter limited for appealing from such order, shall be computed from the time of filing the same; but the Town Clerk shall not record such order until a final decision is made, and not then, unless such order is confirmed.

SEC. 6. The damages sustained by reason of laying out, or opening, or altering any road, may be ascertained by the agreement of the owners and the Supervisors, and unless such agreement be made, or the owners shall, in writing, release all claim to damages, the same shall be assessed in the manner hereinafter prescribed before such road shall be opened or worked, or used. Every agreement and release shall be filed in the Town Clerk's office, and shall forever preclude such owners of such lands from all further claim for such damages. In case the Supervisors and the owners of land claiming damages cannot agree, it shall be the duty of the Supervisors to assess the damages at what they may deem just and right to each individual claimant with whom they cannot agree, and deposit a statement of the amount of damages so assessed to each individual, with the Town Clerk, who shall note the time of filing the same. It shall be the duty of the Supervisors, in all cases of assessing damages, to estimate the advantages and benefits the new road, or alteration of an old one will confer on the claimants for the same, as well as the disadvantages.

SEC. 7. Any person or persons, being owners of or agents for any tract of land over which any highway, altered, discontinued, or laid out, shall run, feeling themselves aggrieved by any order made by the Supervisors, may appeal from the same at any time within thirty days after the

filing of such order in the Town Clerk's office. Such appeal shall note the time such order was filed, and shall be made to any three members of the Board of County Supervisors, neither of whom shall be a resident of the town in which such highway is situated. All persons who wish to make an appeal from such order, shall act in concert and make their appeal to the same three Supervisors.

SEC. 8. Every such appeal shall be in writing, addressed to the Supervisors, and signed by the party or parties appealing. It shall briefly state the ground on which it is made, and whether it is brought in relation to damages assessed by the Supervisors, or in relation to the alteration, discontinuance or laying out of the road, or whether it is brought to reverse entirely the determination of the Supervisors, or only to reverse a part thereof; and in the latter case it shall specify what part. The appeal shall be left with one of the three County Supervisors, by the person or persons appealing, and such person or persons shall also leave a notice of such appeal to the other County Supervisors to whom the appeal is made.

SEC. 9. It shall be the duty of the Supervisors to whom the appeal is made, as soon as may be convenient after the expiration of thirty days from the filing of the order in the Town Clerk's office, from which the appeal is made, to agree on a time when and where they will meet to consider the same; which shall be at some place deemed convenient at or near the road to be examined.

SEC. 10. The person or persons making the appeal shall cause a notice in writing, of the time and place agreed on by the three Commissioners when and where they will meet, to be served on each of the Town Supervisors from whose order they appealed, and also on at least three of the petitioners who petitioned in relation to such road; which notice shall be served at least eight days before the time named therein, by delivering one to each Town Supervisor, or leaving one at each of their dwellings, and in like manner shall notice be served on each of the three petitioners.

SEC. 11. It shall be the duty of the County Supervisors to convene at the time and place mentioned in the notice, and to hear the proofs and allegations of the parties. They shall have power to issue process to compel the attendance of witnesses, and may adjourn from time to time, as may be necessary. Their decision, or that of any two of them, shall embrace the whole matter in controversy. They shall first consider the propriety and expediency of locating, altering or discontinuing the road; secondly, the subject of damages, if such subject was embraced in the appeal under which they are acting, and they shall fix on the amount of damages which, in their judgment, is right and just to be paid to each person claiming, but no person shall be entitled to a re-assessment of damages unless his or her name appears in the appeal in reference to that subject.

SEC. 12. Every such Supervisor shall be entitled to receive three dollars for each day employed in hearing and deciding such appeal, to be paid by the party appealing, when the determination of the Town Supervisors is sustained, but if reversed to be paid by the town.

SEC. 13. Upon the refusal of the Town Supervisors to alter, discontinue or lay out any new road petitioned for as provided in Section one of

this Article, any one of the petitioners may appeal from such determination, in the same manner and subject to the same provisions and restrictions as relates to persons who feel themselves aggrieved by a determination of the Supervisors to alter, discontinue or lay out a new road.

SEC. 14. When an appeal shall have been made from the determination of the Town Supervisors, refusing to lay out, alter, or discontinue a road and the County Supervisors shall reverse such determination, such County Supervisors shall alter, discontinue or lay out the road applied for, as the case may be, and in doing so shall proceed in the same manner in which Supervisors are directed to proceed in like cases. Such roads shall be opened by the Supervisors of the town, in the same manner as if laid out by themselves.

SEC. 15. In case any one of the County Supervisors to whom such application shall have been made shall become unable to attend before the determination of such appeal, it shall be the duty of the Supervisors named therein to select another of the Supervisors of the county, who shall act with them in all subsequent proceedings in the same manner as if he had been originally named in the appeal. In case the term of office of any County Supervisor shall expire before the determination of such appeal, he shall continue to act in the premises the same as if he had been re-elected.

SEC. 16. The amount of damages as finally settled by the three County Supervisors, or as agreed on by the Town Supervisors together with all charges of officers and other persons employed in laying out or discontinuing any road, shall be rendered by the Town Supervisors to the Board of Town Auditors, with the amount of damages and charges due each individual, which accounts shall be audited by said Board, certified to and deposited with the Town Clerk. The Town Clerk shall make out the aggregate amount of such damages and charges, with his certificate thereto attached, and deliver the same to the chairman of Supervisors of the town previous to the annual meeting of the Board of County Supervisors.

SEC. 17. After a final decision by any three Supervisors to whom any road difficulty has been appealed, if in the opinion of the Town Supervisors, Town Clerk and Justices of the Peace, or any four of them, the damages are manifestly too high, and that in providing for the payment thereof an oppressive tax will have to be levied on the property of said town, they may petition the Board of County Supervisors, at any meeting of said Board held within six months after such decision, for relief either from the whole or part of the damages. The Board shall hear the reasons for and against granting such relief, and if a majority of them shall be of opinion that the town should be relieved from the whole amount of damages, then and in that case the opening of said road shall be posponed until the damages, or a major part thereof, are in some other way provided for than by levying a tax on the property of the town.

SEC. 18. Whenever the Supervisors of any town shall disagree with the Supervisors of any other town of the same county or of another county, relating to the laying out of a new road, or the alteration of an old road, which shall extend into both of such towns, the Supervisors of both towns shall meet together at the request of either disagreeing Supervisors and make their decision on the subject of disagreement.

SEC. 19. Whenever the Supervisors of any town receive a petition praying the location of a new road, alteration or discontinuance of an old one, on the line between two towns, such road shall be laid out, altered or discontinued by two or more of the Supervisors of each of said towns, either on such line or as near thereto as the convenience of the ground will admit, and they may so vary the same, either to the one side or the other of such line as they may think proper.

SEC. 20. It shall be the duty of the said Town Supervisors when there may be such highway, to divide it into two or more road districts, in such manner that the labor and expense of opening, working and keeping in repair such highway, through each of the said districts, may be equal, as near as may be, and to allot an equal number of such districts to each of said towns.

SEC. 21. Each district shall be considered as belonging wholly to the town to which it may be alotted for the purpose of opening and improving the road and keeping it in repair, and the Supervisors shall cause such highway and the petition and allotment thereof, to be recorded in the office of the Town Clerk in each of said towns.

SEC. 22. All roads heretofore laid out on the line between any two towns, shall be divided, allotted, recorded, and kept in repair in the manner above directed.

SEC. 23. Whenever the Supervisors shall have laid out any public road through any inclosed, cultivated or improved lands, in conformity with the provisions of this Act, and their decision shall not have been appealed from, they shall give the owner or occupant of the land through which such road shall have been laid, sixty days notice in writing, to remove his fences. If such owner does not remove his fences within sixty days, the Town Supervisors shall cause such fences to be removed, and shall direct the road to be opened and worked.

SEC. 24. If the decision of the Town Supervisors shall have been appealed from, then the sixty days notice shall be given after the decision of the County Supervisors upon such appeal shall have been filed in the office of the Town Clerk of the town.

SEC. 25. The public roads now legally existing are declared the highways of the towns in which they shall lie.

SEC. 26. All public roads to be laid out by the Supervisors of any town shall not be less than four rods wide.

ARTICLE XV.

SEC. 1. Each town acting under this Act shall constitute an election precinct, and the Supervisors shall be the Judges of Elections. The Town Clerk shall cause notices of general elections to be posted up in the same manner as is now required by Sheriffs.

SEC. 2. Each City shall be allowed one member of the Board of County Supervisors from each Ward contained in such city. And the senior Councilman in each Ward shall be such member, unless the city shall elect some other person for that purpose.

SEC. 3. Every town which may contain more than eight hundred inhabitants shall be allowed to send one additional Town Supervisor as a member of the Board of County Supervisors for each additional eight

hundred inhabitants, and for any additional fraction of over four hundred.

SEC. 4. Each town assessor shall in each year assess on the property in his town, as valued on the assessment-rolls for County and State taxes, a sum sufficient to defray all lawful town charges for such year, and shall make a separate tax list for the same, which he shall deliver to the Collector after depositing a copy of the same in the office of the Town Clerk; and the Collector shall collect such town tax at the same time and in the same manner as he collects the State and County tax, and shall pay the same over to the Chairman of Supervisors as soon as collected, and take his receipt therefor.

SEC. 5. All laws now in force applicable to the Board of County Commissioners, shall apply to the County Supervisors' Court as created under the provisions of this Act.

SEC. 6. All acts or parts of acts inconsistent with this Act are hereby repealed.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution relative to the Sioux and Winnebago Reservations.

Joint resolution to representatives in congress to urge the opening up to settlement of the sioux reservation

Whereas, The reservation now occupied by the Sioux Indians, embraces a much larger tract of country than is necessary for their use, or compatable with the interests of the State, and whereas, the civilization of these Indians would be greatly promoted by securing to each head of a family a tract of land sufficient for agricultural purposes, with such assistance from the general government as may be deemed requisite to withdraw them from the chase and afford proper agricultural and mechanical education.

And, whereas, The reservation now occupied by the Winnebago Indians, in the counties of Blue Earth and Waseca, embraces a territory now entirely surrounded by white settlements, and which reservation is near the centre of one of the most densely populated districts of the State.

And, Whereas, the location of said reservation is such, that it is impossible to prevent a constant trade being carried on between the white settlers and the Indians occupying the said reserve, and through the influence constantly kept up between the whites and the Indians, the latter are constantly being supplied with spirituous liquors, the free use of which by the Indians often leads to the most unfortunate results, both as relates to the whites and the Indians. And whereas the civilization of these Indians would doubtless be greatly advanced by removing them beyond the influence above alluded to, and by locating them upon lands where each Indian can be possessed of a farm beyond the white settlements.

Therefore, Resolved by the Senate and House of Representatives of the State of Minnesota, that our Senators and Representatives in Congress, be and are hereby requested to urge upon the Indian department at Washington, such measures as may be necessary to open to settlement the surplus and unoccupied land now contained within the Sioux reservation, and such additional measures as may be deemed proper to heal the difficulties heretofore and still existing between the whites and Sioux, bordering upon our State line, and to secure

the peaceful occupancy of the lands upon our western frontiers. And also to take such measures as may be necessary to procure a speedy removal of the said Winnebago Indians from their present location, to one beyond the white settlements, and that the reservation now occupied by the said Winnebago Indians may be opened to pre-emption and settlement in the same manner as other government lands are now subject to settlement.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fifth, one thousand eight hundred and fifty-eight.

CHARLES L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Mihnesota, February 25, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER II.

Joint Resolution of the Legislature of the State of Minnesota.

Joint resolution of instructions to assessors to tax pre-empted but unpatented lands

Whereas, The impression has gone abroad in this State, that lands sold by the United States are not taxable until the Patents therefor have been issued, and that the Supreme Court of the United States has decided to that effect; and

Whereas, Reliable information has been received from the Clerk of the Supreme Court of the United States, that no such decision has been made by said Court:

Therefore, be it Resolved by the Senate and House of Representatives of the State of Minnesota.

That the different Assessors of this State, are hereby directed to assess all lands sold by the United States, whether patents have been issued for the same or not.

Resolved, That the Secretary of State is hereby requested to furnish each Register of Deeds in this State, a copy of these resolutions immediately.

Resolved, That it shall be the duty of the Register of Deeds

in each county, as soon as he shall receive a copy of these resolutions from the Secretary, to inform each Assessor in his county, of the passage of these resolutions, within ten days after receiving the same.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President of the Senate, *pro tem.*

APPROVED—July fourteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 14, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

J. J. MCCULLOUGH, Assistant Secretary of State.

NUMBER III.

Joint Resolution.

Be it resolved by the Legislature of the State of Minnesota.

Resolution concerning land grant to Minnesota and N W railroad

Resolved, the House concurring, that the Governor is hereby requested to communicate to the President of the United States, a request on behalf of this State that the proper executive department will adjust and transfer to the Minnesota and Northwestern Railroad Company, the lands granted by Act of Congress, approved June 29, 1854, so far as the same pertain to the line of said road north of St. Paul, subject to the terms and conditions of said Act of Congress.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER IV.

Joint Resolution authorizing the Governor to procure an Engraved Seal of the State.

Resolved by the Legislature of the State of Minnesota,

Governor authorized to procure a seal for the state

That the Governor of the State is hereby authorized to cause to be engraved the seal of the State, for the use of the State. The expense incurred in procuring the same to be paid out of the State contingent fund.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July fifteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 15, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN Secretary.

NUMBER V.

Joint Resolution of the Legislature of the State of Minnesota, relative to Certain Mail Routes in this State.

Concerning mail routes

Resolved, By the Senate, the House of Representatives concurring, that our Senators in Congress be instructed and our Representatives requested, to use their best exertions to procure the early establishment of a mail route and tri-weekly mail from Chatfield, in Fillmore County, to Winnebago City, in Farribault County, via High Forest, Brownsville, Lansing, Moscow, Sumner and Bancroft. Also a mail route and weekly

mail from Owatonna, to Vernon in Blue Earth County, via Meriden and Wilton.

Also a mail route, and weekly mail from Hastings in Dakota County, to Saint Peters in Nicollet County, via Lakeville, Wheatland and Lexington.

Resolved, That his Excellency, the Governor, be requested to forward a copy of the above resolution to our Senators and Representatives in Congress.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 11, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary.

NUMBER VI.

Joint Resolution relative to the Swamp Lands granted to the States by the Act of Sept. 28th, 1850.

Resolved by the Legislature of the State of Minnesota:

That the Governor be requested and authorized to file with the proper authorities, the demand of the State of Minnesota to the Swamp Lands granted to the States by an Act of Congress, approved Sept. 28th. 1850, subject to the conditions of said grant. And that the notes of the surveys on file in the Surveyor General's office be adopted as the basis upon which such lands will be received.

Governor requested to apply for grant of swamp lands

And it is further Resolved, That all moneys which may be received from the sale of said lands, under or by virtue of, or under the authority of any law for the sale of the same, shall be and remain a fund for the purpose of reclaiming said lands in conformity to the provisions of the said grant.

GEORGE BRADLEY,
Speaker of the House of Representatives.

WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER VII.

Joint Resolution of the Senate and House of Representatives of the State of Minnesota.

Complimentary resolution to Lt M F Maury of the U.S Navy

Whereas, M. F. Maury, of the United States Navy, by his invaluable discoveries in the physical geography of the sea, and the construction of wind and current charts used as guides by mariners of all nations, has greatly diminished the delays and perils of ocean navigation, and won for himself the highest rank in the scientific world, the admiration and gratitude of his countrymen, distinguished honors from foreign nations, and resolutions in his behalf from several States of our Union.

And Whereas, our State owes him a special debt of gratitude for his valuable papers on the climate of Minnesota, therefore,

Be it resolved by the Legislature of the State of Minnesota:

That our Senators and Representatives in Congress, be and they are hereby requested to use all honorable means to obtain for Commander Maury, that promotion in the American Navy to which his eminent services and distinguished merits justly entitle him.

And be it further resolved, That it is propor to make the proposed deserved recognition of the worth and merits of Commander Mauray, in order to stimulate other officers of the Army and Navy of the United States to emulate his noble example, and also to prove to the world, that our republic is not ungrateful or unmindful of distinguished scientific merit.

Resolved, That his Excellency, the Governor, be and he is hereby requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER VIII.

Joint Resolution of the Legislature of the State of Minnesota.

Resolution asking a grant of land to a railroad

Whereas, The Hastings, Minnesota and Red River of the North Railroad was chartered by the Legislative Assembly of the Territory of Minnesota, in the year 1857. *And Whereas*, the line of said road runs through a country rich in agricultural and mineral resources: *And Whereas*, our future prosperity and greatness depend upon the early construction and completion of our rail road enterprises; therefore,

Be it Resolved, By the Senate, the House of Representatives concuring, that we do respectfully ask Congress for a grant of a portion of the unsold lands along the line of said road to aid in its construction.

Resolved, That our Senators be instructed, and our Representatives be requested to use their influence to secure the passage of such Act.

Resolved, That his Excellency the Governor, be requested to forward a copy of these resolutions to our Senators and Representatives in Congress.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the eleventh one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 11, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER IX.

A Joint Resolution instructing Senators in Congress and House of Representatives.

Asking a grant of land and to a certain railroad.

Whereas, An Act of the Legislative Assemby of the Territory of Minnesota, chartering a Rail Road company, to construct a rail road from Red Wing, in the county of Goodhue, in said Territory, to the line of said Territory in the direction of the Great Bend of the Missouri River, approved May 23d, 1857. *And, Whereas*, The said rail road when constructed will be greatly to the advantage of the State of Minnesota, and to the Territory of Dakota; affording facilities for the transportation of mails from the Mississippi River through the State, and Territory aforesaid, and also affords a mode of conveyance to the United States, for the transportation of men and means to protect the inhabitants of our frontiers from the depredations of hostile Indians: therefore,

Be it Resolved by the Senate and House of Representatives of the State of Minnesota, That our Senators in Congress are instructed and our Representatives, requested, to procure a grant of lands to aid in the construction and equipment of said road.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-ninth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY

SECRETARY'S OFFICE, Minnesota, }
July 29, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary.

NUMBER X.

Joint Resolutions in favor of an Overland Route from the Mississippi River to the Pacific Ocean.

Joint resolution in favor of an overland route from the Mississippi river to the Pacific ocean

Whereas, The recent unprecedented and rapid development of the gold mines on the north west coast, in Washington Territory and the British possessions, presents an anomolous and extraordinary condition of things, calling for the prompt action of the federal government, both in opening and protecting the overland routes to these mines from the Mississippi valley, and

Whereas, The nearest and most direct route to these mines from the Upper Mississippi and the great Lakes, is that surveyed by Gov. Stevens, in 1853 '54 and '55, connecting the navigable waters of the Missouri and Columbia Rivers, furnishing to emigrants from the States, both a water route by the Missouri to Fort Benton, and a land route to the same point from St. Paul, and on debouching from the mountain region, connecting with trails leading either to Fort Colville, the heart of the mining region east of the Cascade Mountains, and thence to Thompson's and Frazer Rivers, or to the Columbia valley, or direct to Puget Sound, and

Whereas, The recent Indian disturbances in Washington Territory, have suspended the operations of Lieut. Mullen, who, under orders received some months since, had repaired to the Columbia valley, organized his party, and was actually on his way from the Dalles to open a wagon road from Fort Walla Walla to Fort Benton—the only portion of the route where work is indispensable to open a *summer* emigrant route practicable for wagons, and threaten to close access to these regions both by the northern and South Pass routes.

Wherefore, be it resolved by the Legislature of the State of Minnesota: That it is the duty of the general government to prosecute with vigor, and with all the strength that it can apply, the Indian war to the end, that the Indians in arms may feel the strength and power of our government, and be reduced to unconditional submission to its authority.

Resolved, That ample appropriations should be made to open a wagon road from St. Paul, by the line of the Missouri and Columbia Rivers to Puget Sound, giving access to the gold fields of the north-west, and that appropriations should also be made to place light draught steamers of great power and suitable construction on the Upper Missouri, and the Red River of the North, and Columbia Rivers, and thereby determine practically all the facts in reference to the navigability of those rivers for steamers.

Joint resolution in favor of an overland route from the Mississippi river to the Pacific coast.

Resolved, That good policy demanded the appropriations which have been made for opening wagon roads, on routes farther south leading from the Mississippi valley to California, and that a spirit of justice requires that similar appropriations be made, connecting the great north-west of the Mississippi valley with the prolific and teeming north-west of the Pacific coast.

Resolved, That a mail service should be established on the route of the proposed wagon road.

Resolved, That in any scheme of a Pacific Railroad, there should be urged the paramount advantages of the northern route surveyed by Gov. Stevens, in a national point of view, the question being whether the great railroad line connecting the basin of the St. Lawrence and the Upper Mississippi, and the waters of the Pacific flanking the newly discovered gold region shall run through American or foreign territory. This route moreover is the shortest route connecting water lines across the territory of the United States, passes through the most fertile region, is in nearer connection with Europe and Asia, and is backed up directly by the largest railroad enterprise and capital in the country. The experience of the Grand Trunk and other railroads of Canada, and three of the northern States, show conclusively how futile are the objections to the northern route as regards snow and cold, and the ability of that portion of the country to pushing its railroad system to the shores of the Pacific.

Resolved, That the general government should give equivalent aid in any scheme of a Pacific Railroad, to at least three roads. That this aid should consist of grants of land and the capitalizing the amounts which the government must of necessity pay to send its mails, troops, supplies, and munitions of war, on the several lines. That beyond this the general government should not go. That with this aid, the whole undertaking should be left open to the free competition of our railroad genius and enterprise, and that it should be emphatically the work of the people and not of the government of the country.

Resolved, That a line of military posts should be established for the protection of the northern route—in which connection it is worthy of mention that the great rivers of this route, the Missouri and the Columbia, the Mississipsi and the Minnesota, furnish the means of supply by steamers. The mouth of the Yellowstone, and the Great Falls of the Missouri on the former river, and Fort Walla-Walla and Fort Colville on the latter, are points at which large posts are indispensable with connecting posts through Dakota Territory, and these are probably the only points at which large posts are required west of the State of Minnesota, as far as the river Columbia. The intermediate country can be held by moveable columns operating from these posts according to circumstances.

Resolved, That his Excellency the Governor, be requested

to transmit a copy of the above resolutions to the President of the United States and to each of our Senators and Representatives in Congress.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XI.

Joint Resolution Relative to obtaining Appropriations from Congress.

Resolved, By the Senate and House of Representatives of the State of Minnesota,

That the attention of our Senators and Representatives in Congress is hereby called to certain Memorials to Congress, asking for appropriations to defray the expenses of the late Constitutional Convention, and other expenses as named in said Memorials, and our Senators and Representatives are hereby requested to urge Congress the necessity of immediate action on said Memorials, and the Governor of this State is hereby requested to forward to Washington at once, all or any Memorials or Joint Resolutions that may have been passed, together with this Resolution.

Joint resolution relative to obtaining appropriation from Congress

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twelveth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

MEMORIALS.

NUMBER I.

A Memorial to Congress for the Establishment of a Mail Route from Winona [Chatfield] to Winnebago City, in Faribault County.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The Memorial of the Legislature of the State of Minnesota respectfully sheweth that the interest and convenience of the inhabitants of the southern tier of Counties of this State requires the establishment of a Mail Route from Chatfield in the County of Fillmore, by the way of High Forest, Madison, Geneva, and Freeborn, to Winnebago City, in the County of Faribault. Your memorialists, therefore request your Honorable Bodies to establish a post route between the above mentioned points, touching at the points aforesaid, and authorize the mail to be carried on said route twice a week.

for a mail route from Chatfield to Winnebago city

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fifth, one thousand eight hundred and fifty-eight.

CHARLES L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
February 25, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER II.

A Memorial to the Congress of the United States for the Establishment of a Mail Route from the city of Glencoe, in McLeod county, to Watertown, in the county of Carver, by the way of Camden.

The Legislature of the State of Minnesota would respectfully represent:

For a mail route from Glencoe to Watertown

That the rapid growth of population along the main traveled way from said Glencoe to Watertown, and also many miles interior on both sides of said way, the public interests require the establishment of a mail route for the accommodation of both the actual settler and the travelling public, from the city of Glencoe, in McLeod county, by the way of Camden, to Watertown, in the county of Carver. The inhabitants of said towns, as well as those along the proposed mail route, have long felt the necessity and want of the usual facilities of communication, and for the immediate establishment of such mail route your petitioners humbly pray.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fourth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, Feb. 24, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER III.

A Memorial to the Congress of the United States for the Establishment of a Mail Route from the city of Glencoe, via Hutchinson, Forest City, Paynesville, to Clear Water, in the county of Wright.

The Senate and House of Representatives of the State of Minnesota, respectfully represent to your honorable bodies,

that the rapid growth of settlers within the limits of our State, and particularly along the line of the proposed Mail Route, require an equally proportionate increase in the Mail Routes within the limits of our State, for the accommodation of not only our actual settlers, but also for the travelling and commercial public, which has increased and is increasing, in an equal proportion to the settlement of the country; therefore, we would respectfully memorialize your honorable bodies for the establishment of a Mail Route for the accommodation of the inhabitants of our State, from Glencoe, in McLeod county, by the way of Hutchinson, Forest City, Paynesville to Clear Water, in the county of Wright, for which we humbly pray.

For a mail route from Glencoe to Clearwater

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fourth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, Feb. 24, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER IV.

A Memorial to Congress for the Establishment of a Mail Route from McGregor, Iowa, to Owatonna, Minnesota.

To the Honorable the Senate and House of Representatives in Congress assembled:

The memorial of the Legislature of the State of Minnesota, respectfully represents, that the establishment of a Mail Route from McGregor, Iowa, by way of New Oregon and Lime Springs, in the State of Iowa, and Leroy, Brownsdale, and Oak Glen, in Minnesota, to Owatonna, is highly necessary. The said route commences at the western terminus of the Milwaukee and Mississippi Railroad, the most northern railroad touching the Mississippi—that it passes through the

For a mail route from McGregor to Owatonna

finest portion of Iowa and Minnesota—that it supplies, along its line, populous sections of both States, now almost wholly unsupplied by mail facilities, and that it will undoubtedly prove remunerative to the department, as well as valuable to the people. Your memorialists would respectfully ask your honorable bodies, therefore, to establish a mail route between said points on the route indicated above, and order a tri-weekly mail service thereon.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fifth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, Feb. 25, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER V.

Memorial to the Postmaster General to increase Mail Service on Route No. 13,848.

To the Honorable Postmaster General of the United States:

For increase of mail service on route no 13,848

The Memorial of the Legislature of the State of Minnesota, respectfully represents that the citizens of the cities of St. Paul, in Minnesota, and Hudson, in Wisconsin, suffer great inconvenience for want of more mail service between the two cities, on Mail Route No. 13,848.

Your memorialists therefore pray that service on Mail Route No. 13,848 be increased from one to six trips per week.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—January twenty-ninth, one thousand eight hundred and fifty eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }
January 29, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER VI.

Memorial to Congress in Relation to the Public Lands.

To the Honorable the Senate and House of Representatives in Congress Assembled:

Your memorialists, the Senate and House of Representatives of the State of Minnesota, respectfully represent that, whereas, the prosperity and growth of the Great West depend mainly upon the development and maturity of its agricultural resources, the greatest liberality should be extended to those who will occupy and cultivate our soil, not only in procuring title thereto, but in enabling them to cultivate the same scientifically, and with the greatest degree of success.

Memorial to Congress for land grant to an Agricultural College, and for a homestead to settlers

Speculation in the public lands, although not in itself immoral, long experience has shown to be detrimental to the interest of the great mass of the people, and that it is the duty of Congress to protect them, as much as may be, against land monopoly, and in the primary disposition of the public domain, to place the same in limited quantities in the possession of actual and bona fide settlers, to be permanently occupied and cultivated, which object the legislation heretofore had granting the right of pre-emption, has failed to a great extent to secure.

Although the greater portion of the pre-empted land has been secured in good faith for the homes of the settlers, yet, the pre-emption laws have been a fruitful source of perjury, and a large quantity of land pre-empted in Minnesota and the adjoining States, has been solely for the purpose of immediate sale; and the same having passed into the hands of speculators, is wild and uncultivated as when first discovered. The demand of one dollar and twenty-five cents per acre is really and practically a tax upon the producer for the privilege of cultivating the soil; and many of the pre-emptors, in some portions of this and adjacent States, have been obliged

to hire the money to pay for their claims at three and four per cent. a month interest, who are now struggling to support their families, erect buildings, and open up their farms, and meet these exorbitant rates of interest. This act is, so far, discouraging rather than fostering and protecting the agricultural interest of the country, the fountain which supplies every channel of industry, and constitutes the real and principal wealth of the nation.

While large appropriations have been made for Naval and Custom House establishments, and for Military Academies and Colleges, and extensive grants of land have been made for the improvement of rivers and harbors, for railroad purposes, and the like, yet but little or nothing has been done to aid the farmers and promote the interests of agriculture, and for the practical and industrial education of the people.

Your memorialists, therefore, pray that a liberal grant of land may be made to this State, and to others similarly situated, to aid in establishing and maintaining an Agricultural College; and also that a law may be passed, at an early day, securing to every person who will settle upon and ocupy one hundred and sixty acres of land for five years, and have forty acres of the same, at the end of that time, under good cultivation, the right and power to purchase the same at a price not exceeding the actual cost and expense of survey and transfer.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—January the twenty-ninth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, January 29, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER VII.

Memorial to Congress for a Special Pre-emption Law for the Benefit of the Settlers on the Dakota or Sioux Half-breed Reservation.

To the Honorable the Senate and House of Representatives of the United States in Congress Assembled:

The memorial of the Legislature of the State of Minnesota

respectfully represents: That the present mode of disposing of the lands on the Dakota or Sioux Half-breed Reservation, is constantly affording opportunity to the speculator to locate scrip on the claims of actual settlers, and thereby, in numerous instances, depriving the honest farmer of his home, and his only means of protecting his family from want and misery. And that there are now on said Reservation about eight thousand inhabitants, a large majority of whom are in the above named perilous situation, and many others who have been scriped already, and must, without your aid, give up their homes to the remorseless speculator. Therefore, we most respectfully pray your Honorable Body to pass an Act extending the right of pre-emption over this Reservation, similar in its provisions to the Act of September, A. D. 1841, and recognizing the claims of all who were actual settlers on this Reservation at the time of the relinquishment of said lands, by the Half-breeds, to the United States, and those made subsequently and prior to the passage of said Act. And to this end your memorialists will ever pray.

Memorial for a special pre-emption law

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—January eleventh, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
January 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER VIII.

A Memorial of the Legislature of the State of Minnesota to the President of the United States.

We, your memorialists, do most respectfully represent that we have attentively observed and considered the effects upon the growth and prosperity of Western States, produced by putting into market large bodies of public land at any one time.

Memorial to the President against land sales

Our experience has demonstrated to us that such policy has heretofore, and will again throw large quantities of the best soil and timber lands into the hands of capitalists, by whom they will remain uncultivated, and driving the actual settler elsewhere, or else obliging him to take inferior or refuse land.

Further ; That there are now hundreds and thousands of actual and *bona fide* settlers who have expended their last dollar in selecting and opening their claims, and planting themselves and their families thereon, which said claims they would be compelled to surrender, were the same offered at public sale ; for so stringent is the monetary world now, with no hope of immediate relief here, that they are without the power of helping themselves, nor can assistance be obtained from friends immediate or remote. And provided that said lands do not fall directly into the hands of speculators at the time of sale, private entry by Land Warrants would soon absorb every improved claim, thereby crushing the very life of the hardy pioneer, and rendering abortive the pre-emption invitation. Time alone therfore will render the aid necessary to draw from the soil and their own labor the means whereby to pre-empt the same.

The proof of these facts and the results are so familiar to the whole community, that conviction deep and strong has been fixed on the public mind that no more land sales, except to actual settlers by pre emption, should take place in Minnesota during the next two years, nor until the *actual* settler who comes from States or the old world have an opportunity of making their claim and improvements under the pre-emption laws of the United States.

We therefore most earnestly and respectfully ask your Excellency to regard the prayer of this Memorial and permit our future State to be filled by an upright, industrious, and productive class of actual settlers.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—January twenty-second, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
January 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER IX.

A Memorial to Congress for the establishment of a Mail Route from La Crosse, in the State of Wisconsin, to Winnebago City, in the State of Minnesota, by way of Brownsville, Sheldon, Dedham, Preston, Carimona, Forestville, Spring Valley, Frankfort, Austin, Sumner and Albert Lea.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The Legislature of the State of Minnesota would most respectfully represent that the present mail facilities afforded to the people of the Southern part of the State, are entirely insufficient to meet their wants. That the commercial and social interests, in that portion of the State demand an increase of mail facilities; and that the establishment of tri-weekly mail from La Crosse, in the State of Wisconsin, to Winnebago City, in the State of Minnesota, by way of Brownsville, Sheldon, Dedham, Preston, Carimona, Forestville, Spring Valley, Frankfort, Austin, Sumner and Albert Lea, would form one of the most important and best paying routes in the State; making a direct and speedy communication with all the principal cities of the East, by way of the La Crosse and Milwaukee Railroad, for the transmission and distribution of the United States Mail for the Southern part of the State of Minnesota.

For a mail route from La Crosse to Winnebago City

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February second, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER X.

A Memorial to Congress for appropriations to indemnify the State for certain expenditures.

To the Honorable, the Congress of the United States:

Memorial for indemnity for certain expenses incurred

The Memorial of the Legislature of the State of Minnesota respectfully showeth, that in accordance with the provisions of the Enabling Act, passed by your honorable body to authorize the people of the Territory of Minnesota to form a Constitution and State Government preparatory to admission into the Union on an equal footing with the original States, the citizens of the said Territory in the loyal and faithful understanding of that Act and its intent, convened their State Legislature after their acceptance of the Constitution and adopted your federal executive officers until formal declaration should be made by Congress of our admission into the Union.

That this Legislature finds itself called upon for the payment of large sums of money for debts contracted during our Territorial organization, for proper and necessary objects, and which, therefore this Legislature could not rightfully repudiate; the details of which are shown in the accompanying appropriation bills, which have been duly passed by this Legislature, and which have been approved by the acting Governor.

And further your Memorialists respectfully represent, That the sum of sixty-four thousand dollars has been appropriated for the payment of the expenses of the Convention authorized by your honorable body to be held during our Territorial existence, for the purpose of framing a Constitution for the State of Minnesota:

And further, that in consequence of the delay which your honorable body has seen fit to interpose to the declaration of the admission of Minnesota into the Union, this Legislature has protracted its session, is denied the passage of many important laws, and is now about to adjourn for several months, whereby great additional expense is made to the State:

Wherefore your Memorialists respectfully urge that an appropriation be made by your honorable body, of twenty-five thousand dollars to indemnify the State for her appropriation to pay claims made against the Territory; and that the further sum of sixty-four thousand five hundred dollars for expenses of the Constitutional Convention; and the fur-

ther sum of fifty thousand dollars to assist in defraying the expenses of the present Legislature, to which she was entitled as a Territory.

And the attention of your honorable body is further called to the particulars of the numerous claims now pressing upon the State, growing out of the Indian disturbances of last Spring as set forth in a former Memorial from this Legislature:

And your Memorialists, as in duty bound will ever pray.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem* of the Senate.

APPROVED—June eighteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 18, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XI.

A Memorial to Congress for an appropriation to defray the expenses of Expeditions against hostile Indians in the Territory of Minnesota.

The Memorial of the Legislature of the State of Minnesota, respectfully represents,

Memorial to Congress for an appropriation to defray the current expenses of the expedition against hostile Indians in the Territory of Minnesota.

That in consequence of the incursions of hostile Indians on our south-western border, known as the Spirit Lake Massacres, the fact that certain female captives, wives and daughters of our murdered citizens were then in the hands of the savage foe, and the then apparent disaffection of the Sioux, the occasion was deemed urgent and necessary to call out and equip certain volunteer companies of the Territorial Militia, from Blue Earth, Nicollet and Brown Counties, for the preservation of the peace and protection of the Territory, the expense of which expeditions has been ascertained by this Legislature to be nearly nine thousand dollars; and further that the Legislature of the Territory at an extra session held at St.

Paul, April 27th, 1857, did appropriate a further sum of ten thousand dollars, to be expended in procuring the release of these unfortunate female captives, of which appropriation the sum of seven thousand five hundred dollars has been actually expended, all of which falls greviously upon the finances of this government now left to her own resources as a State, and this Legislature further represents, that in consequence of other disturbances and alarms created by a band of Chippewas at Sunrise, in Chisago County, in the month of August last, the Territorial Governor, and *ex-officio* Commander-in-Chief of the Minnesota militia, ordered a troop of (militia) calvary to the scene of danger, which happily suppressed all further outbreak, and the expense of which last named expedition has been ascertained by this Legislature to be four thousand six hundred and thirty-nine dollars, wherefore your Memorialists pray that your honorable body will appropriate the sum of eight thousand seven hundred and fifty dollars, to defray the current expenses of the Spirit Lake expeditions, first above mentioned, and the further sum of seven thousand five hundred dollars, to indemnify the State for her Territorial expenditure in recovering the female captives, and also the further sum of two thousand six hundred and thirty-nine, ($2,639) dollars, to defray the current expenses of the Sunrise expedition. And your Memorialists as in duty bound will ever pray.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem* of the Senate.

APPROVED—June the eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE Minnesota, June 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XII.

A Memorial of the Legislature of the State of Minnesota for a Donation of Land for an Agricultural College.

To the Senate and House of Representatives of the United States:

The Legislature of Minnesota respectfully represents, that

the establishment of an Agricultural College for the State of Minnesota would tend greatly towards placing the State among the foremost in Agricultural wealth, thereby inducing the speedy settlement and cultivation of the Public Lands. But to place such a College upon a firm basis, and to develop its objects will require the purchase of lands, the erection of buildings, the establishment of numerous and adequate professorships, and a larger, earlier and more permanent endowment to secure success, than the Legislature can possibly provide.

Memorial for a donation of land for an Agricultural College

The Legislature further represents, that in a country so thoroughly agricultural as the United States, and contemplating the nature of the great trust of the Public Lands, with an enlightened and comprehensive forecast, no more legitimate and no wiser disposition can be made of limited portions of them, than for the instruction of men in multiplying the productions of the earth, and thus conducing to their comfort and higher civilization.

The Legislature of Minnesota therefore prays that the Congress of the United States will donate so much of the Public Lands within the State as may be deemed necessary for the purpose, to be conveyed by the General Government to the constituted authorities of the State of Minnesota, for the use of an Agricultural College for the State of Minnesota.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February second, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office. CHAS. L. CHASE, Secretary.

NUMBER XIII.

A Memorial to Congress for the relief of such Settlers, whose Claims have been lost by the Grant of Lands to Minnesota for Railroad purposes.

To the Honorable the Senate and House of Representatives in Congress assembled:

Your memorialists, the Senate and House of Representatives of the State of Minnesota, respectfully represent,

Memorial for the relief of such settlers whose claims have been lost by the grant of lands

That there are numerous bona fide settlers within this State, who have located and settled upon certain lands under the pre-emption laws, whose location and settlement date from six to eighteen months prior to the Grant of Lands to aid in the construction of Railroads, and who have made improvements thereupon to the value of from two hundred to fifteen hundred dollars. That many such persons have made their declaratory statements, as required by law, but by reason of some negligence on the part of the Land Officers, or the usual accidents and casualties of business, the said declaratory statements of pre-emption have not been registered or filed, as required by law, and that in consequence thereof, these settlers are in danger of losing their rights, property and improvements thereupon by reason of the selection of their said lands, by the different Railroad Companies.

It becomes therefore a just and equitable duty on our part, to respectfully urge upon your honorable body the enactment of a law or laws, by which any settler, who has *bona fide* located upon any land granted as aforesaid for the term of three months prior to the grant of said lands to said Railroad Companies, and who has made improvements thereupon, to the value at least of one hundred dollars, may prove such facts before the proper District Land Office, and upon satisfactory proof thereof, may enter the lands, so located upon, in the manner prescribed by law for pre-emptors generally.

And your memorialists will, as in duty bound, ever pray, &c., &c.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March thirteenth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 13, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XIV.

A Memorial to Congress for an Appropriation for the Erection of a Bridge across Root River, in Town one hundred and four, Range eight, west, County of Fillmore.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Your memorialist, the Legislature of the State of Minnesota, would respectfully represent,

That of all appropriations by your honorable body, there is probably no appropriation more needed, or which would be of greater benefit to the public, and especially to emigrants coming west, as well as for the safety of the United States Mail, than would be an appropriation for the erection of a bridge across the Root River, in town one hundred and four, (104), range eight (8), west, in the county of Fillmore, at the point where the State road and mail route from La Crosse, in the State of Wisconsin, to Mankato, in this State, and the mail route from Winona, in this State, to Burr Oak, in the State of Iowa, are crossing the same.

Memorial for an appropriation for the erection of a bridge across Root River

Your memorialist would further represent, that in time of high water, the United States Mails have been hindered from crossing the said river for several days, and on one occasion last summer the mail carrier, in attempting to cross, had his team carried off by the stream, drowned one of his horses, and lost the United States Mail bag, which has never since, (we believe), been recovered. Emigrants also are known to have been detained from crossing as long as three weeks, and have often in attempting to cross, encountered imminent danger, and sustained great losses of property, by having had their teams and loads carried down the swift stream.

Your memorialists would further represent, that at this point of the said river, there is no ferry, for the reason that the river at this point is so swift in its current, that it would be very difficult to manage a ferry on its waters.

The said river also at times raises to such an extraordinary height that it requires a greater amount to erect a bridge over it than the county of Fillmore is able to raise, or will be able to raise for some years to come; and our State being in a transition from a Territorial to a State organization, our finances forbid us making appropriations of any kind.

Your memorialists therefore would respectfully ask your honorable body to make an appropriation for the erection of the said bridge, of ten thousand dollars, which, from the po-

culiar and central situation of the said bridge, would be, as it were, a national appropriation and your memorialists will ever pray.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March third, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XV.

A Memorial to the Post Master General for a Mail Route from Hastings to St. Peters.

The Memorial of the Legislative Assembly of the State of Minnesota respectfully represents:

A memorial for a mail route from Hastings to St Peter

That the interest of a large number of inhabitants require the establishment of a Mail Route from Hastings, in Dakota county, via Lakeville, Wheatland, Lexington to St. Peters, in the county of Nicollet.

Your memorialist would therefore respectfully request that the above route may be established at the earliest possible period, and your memorialists, as in duty bound, will ever pray.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—July twenty third, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, July 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XVI.

A Memorial to the Post Master General relating to the Mail Service in Southern Minnesota.

To the Honorable A. V. Brown, Postmaster General:

Memorial relating to mail service in southern Minnesota

The Legislature of Minnesota respectfully represents, that the contractors and others in charge of the mails in the Southern portion of the State, are very remiss in the discharge of their duties, often making the public service, as required by their contracts, and the regulations of the Post Office Department, subservient to their private interest; inasmuch as the carrying and prompt delivery of the mails is made of secondary importance, and contingent upon the carrying of passengers, more especially upon the principal mail lines. Mail bags are allowed to accumulate along the lines, and, being subjected to the caprice or convenience of careless and irresponsible drivers, are often carried to, and left at points remote from their proper destination, and often lost. By this careless neglect, or dilatory and inefficient discharge of duty, on the part of those to whom the mail service is entrusted, the interest and convenience of the public is sacrificed, and to such an extent as not to be longer endured with patience The people of the southern portion of the State, therefore, through the Legislature, call upon the Department to take such measures in relation thereto as will prevent, for the future, the evil complained of. To this end the Legislature submits, that the appointment of an efficient traveling Mail Agent, with usual powers, would, in its opinion, be most conducive; and respectfully request the appointment of such Agent for the Southern District of Minnesota.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fifth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 25, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XVII.

A Memorial to the Congress of the United States for the Establishment of a Mail Route from the Town of St. Peter, in Nicollet County, to the Sioux Agency, in Brown County, by the way of Fort Ridgeley.

The Legislature of the State of Minnesota would respectfully represent:

Memorial for a mail route from St Peter to the Sioux Agency

That the rapid growth of actual settlers along the main traveled way from said St. Peter to Sioux Agency, and also from many miles interior upon both sides of said route, the public interests require the establishment of a Mail Route for the accommodation of the settlers, the traveling public, and the Government officers of Fort Ridgley and Sioux Agency.

The inhabitants of said town, as well as those along the proposed Mail Route, have long felt the necessity of a direct communication from the above places, and for the immediate establishment of said Mail Route your petitioners humbly pray.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February sixth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 6, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XVIII.

A Memorial to Congress for the establishment of a Mail Route from Elliota, in the State of Minnesota to Blue Earth City in the State of Minnesota, by way of Granger, Uxbridge, (Forest City, Lime Springs, Chester, in the State of Iowa,) Leroy, Six-Mile Grove, Cedar Valley, (Otranto, in Iowa,) Shell Rock City, and Walnut Lake.

To the Honorable the Senate and House of Representatives in Congress Assembled.

Memorial for a mail route from Elliota to Blue Earth City

The Legislature of the State of Minnesota would most respectfully represent that the present mail facilities afforded to the people of the southern part of the State, are entirely inefficient to meet their wants. That the commercial and social interests in that portion of the State demand an increase of mail facilities; and that the establishment of a tri-weekly mail from Elliota to Blue Earth City in said State of Minnesota, by way of Granger, Uxbridge, Forest City, Lime Spring, Chester, Leroy, Six-Mile Groves, Cedar Valley, Otranto, Shell Rock City, and Walnut Lake, would form one of the most important and best paying routes in the State, and would, by its connection with the Brownsville and Elliota Mail Route, make a direct and speedy means of communication with all the principal cities of the East, by way of the La Crosse and Milwaukee Railroad, for the transportation and distribution of the United States Mail for the southern part of the State of Minnesota.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February sixth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
February 6, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XIX.

A Memorial to the Postmaster General, for a Mail Route from Minneapolis to Henderson, on the West side of the Minnesota River.

To the Honorable A. V. Brown, Postmaster General:

Memorial to the Postmaster General for a mail route

The Memorial of the Legislature of the State of Minnesota respectfully represents that a large and populous section of country lying between Minneapolis, in Hennepin County, and Henderson, in Sibley County, on the west side of the Minnesota River, is almost entirely without mail facilities, and your momorialists would respectfully pray your Department to urge upon Congress the establishment at the present session thereof, of a tri-weekly route between the points named, and supplying the following intermediate Post Offices, viz: Minnetonka, Chanhassen Post Office, Chaska, Carver, and Big Hill Post Office.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February sixth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 6, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XX.

A Memorial to Congress for the establishment of a Mail Route from Minneapolis to Kandiyohi by the way of Wayzata, Watertown, Winsted, Byron and Cedar City.

The Legislature of the State of Minnesota would respectfully represent that, in consequence of the great influ

of actual settlers in the portion of the State immediately west of the Falls of St. Anthony, the public good requires that a Mail Route should be established from the west side of St. Anthony Falls, (Minneapolis,) by way of Wayzata, Watertown, Winsted, Byron, Cedar City, to Kandiyohi. The inhabitants in the neighborhood of the above mentioned towns have heretofore been deprived of all mail facilities, and it is only proper that the people should be thus accommodated.

Memorial to the Postmaster General for a mail route

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February sixth, one thousand eight hundred and fifty-eight.

CHHS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
February 6, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XXI.

A Memorial to Congress for an appropriation for the improvement of the Mississippi River from the mouth of the Minnesota River to Sauk Rapids.

To the Honorable the Senate and House of representatives in Congress Assembled:

Your Memoralists, the Senate and House of Representatives of the State of Minnesota respectfully represent,

That the navigation of the Mississippi River, between the mouth of the Minnesota or St. Peters River and the Falls of St. Anthony, a distance of about seven miles by the river, is during the season of low water, obstructed by rocks and other impediments which a moderate appropriation, judiciously expended, would remove and render the navigation of said river between the points above named, free to the largest class of Steamboats used upon the Upper Mississippi and other water crafts during the entire season of navigation.

Memorial to Congress for appropriations &c

That within the two years last past, the citizens of St Anthony and Minneapolis have expended for the improvement of the navigation of said river, between the points aforesaid, about ten thousand dollars, and during last season a line of boats was established between the places aforesaid and Fulton City, and during the season fifty-two steamboats arrived at the landing at St. Anthony and Minneapolis, leaving nearly six thousand tons of freight, which however is a small quantity compared with what would have been landed there, had boats been able to run the whole season of navigation.

Your memorialists further represent that the navigation of the Mississippi River between the Falls of St. Anthony and Sauk Rapids, a distance of about eighty miles, is during the time of low water obstructed by rocks, with a moderate appropriation properly expended, would remove and enable boats to run there during the entire season of navigation.

The benefits government would derive from the improvements above contemplated, would far exceed the amount required to remove the obstacles to the free navigation of said river. Large quantities of goods and supplies are annually transported by the government at great expense, over a long and tedious land route, to furnish the different nations and tribes of Indians in the northern and western portions of the Territory, and also the military forces stationed at Fort Ripley and the fort at Pembina, which expense would be materially lessened were the improvements herein prayed for made.

For the past three years two steamboats have been running on the river above the Falls during the time of high water, but such navigation is obstructed about half of the summer.

The rapid increase in population and importance of St. Anthony and Minneapolis and many other towns on the Upper Mississippi, and the fast increasing settlements of that section of the country, are further reasons which are respectfully urged as rendering such improvements expedient and necessary.

Your Memoralists therefore ask that an appropriation of twenty-five thousand dollars be made for the improvement of that portion of said river below the Falls of St. Anthony above mentioned, and the further sum of forty thousand dollars to improve the same between said Falls and Sauk Rapids. In case your honorable body should not think [proper] to appropriate money, then we respectfully ask that lands equal in value be donated for the purposes aforesaid.

And your Memorialists will ever pray.

GEORGE BRADLEY,
Speaker *pro tem* of the House of Representatives.

RICHARD G. MURPHY,
President *pro tem* of the Senate.

APPROVED—February the twenty-fifth, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 25, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XXII.

A Memorial to Congress for an appropriation to aid in the construction of a Wagon Road from some point on Lake Superior, in the State of Minnesota, to the South Pass of the Rocky Mountains.

To the Honorable the Senate and House of Representatives of the United States, in Congress assembled:

Memorial to Congress for an appropriation

The Memorial of the Legislature of the State Minnesota respectfully represents that in order to fully develop and open out to settlement the beautifnl country between the Rocky Mountains and Lake Superior, there should be a good Wagon Road constructed the entire distance, and believing it is the earnest desire of Congress to aid this new and thriving State, and in view of the fact that Congress has already appropriated a certain sum towards the object herein sought, your memorialists respectfully ask your honorable body to further appropriate the sum of fifty thousand dollars, to construct a Wagon Road from some point on Lake Superior, in this State, to Fort Ridgley. Also, the sum of one hundred thousand dollars to aid in the construction of a Road from that point on the Missouri River, where the Road recently laid out by the Department of the Interior, under the superintendence of Wm. H. Nobles, strikes said river, thence by the most direct and feasible route to the South Pass of the Rocky Mountains.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
Speaker of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XXIII.

A Memorial to Congress for an appropriation to complete the Mendota and Big Sioux River Military Road.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Memorial to Congress for an appropriation

The Memorial of the Legislature of the State of Minnesota respectfully represents, that the Mendota and Big Sioux River Military Road having been completed by the general government as far as the east side of Mankato and Blue Earth River, and the further opening and construction of said road being much needed by a large number of actual settlers who have been induced to locate themselves along and near said line of road, in the expectation that said road would be opened and constructed by the general government, and believing it to be the policy of the government to complete entirely whatever works of national importance they may commence, your memorialists therefore ask your honorable body to appropriate the further sum of ten thousand dollars to aid in the completion of said road from the east side of Mankato in a direction along said line of road towards the Big Sioux River, and in duty bound your memorialists will ever pray.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XXIV.

A Memorial to the President of the United States in relation to Land Sales in Minnesota.

To the President of the United States:

Memorial to the President of the United States in relation to land sales

Your Memorialists, the Senate and House of Representatives of the State of Minnesota, in Legislative Assembly assembled, respectfully represent, that they most earnestly protest against any further sales of public lands in the State of Minnesota at this time.

It must be apparent that the entire country is in the midst of financial embarrassments, from which the State is not exempt, and which would not only be aggravated by a land sale, but in Minnesota would result in the ruin and bankruptcy of a large majority of those hardy pioneers, who have settled upon, improved, and made valuable the public lands of the State. Very many have no means of pre-empting; they have no money themselves and such is the present condition of the business public that they cannot even borrow the necessary means, unless at ruinous rates of interest, tending thereby not only to protract, but render permanent the embarrassments under which they now labor.

Our settlers have sought homes in Minnesota, which they have hopefully labored to improve, expending upon them all their energy and in most instances their last dollar, expecting to be enabled to produce from the soil the means of paying for their homes; but if forced to pay now for these lands, made valuable by their labor, must in most cases, lose, not only all they brought with them, but the fruits of their toil, or what is still worse for the prosperity of the State and country, yield them to the exacting demands of the speculator and money-lender. For these injurious results of a sale at this time, and we have alluded to the most prominent, the Government urges the plea of its present necessity of look-

Memorial to the President of the United States in relation to the sale of lands

ing to the public lands as a source of revenue. If this result would follow, although purchased at so great sacrifice, we would not so earnestly protest against the policy, but it will not. The Government will not realize by the sale, a dollar of revenue. The treasury will not, we believe, receive in money sufficient to pay the expenses of the sale. The land when entered by the pre-emptor, or located by the speculator, would simply show the location of an increased number of land warrants, solely operating for the benefit of land warrant speculators, and to pay whom the farmers of this State will be impoverished. With the large number of outstanding land warrants, the public lands cannot be looked to as a source of money revenue.

Under these circumstances, we confidently believe the President, after the announcement in his first message of a policy so wise and generous toward the settler, will heed our request and protect our pre-emptors from the speculators. A public sale at this time is marked with irreparable injury to the labor of the country, and in no respect is the Government the beneficiary. There is no healthy demand for land at this time, certainly none sufficient to justify the payment of $1,25 in gold per acre, when land warrants can be readily purchased at 90 cents per acre; nor even for the location of land warrants, except as is for the purpose of speculating upon the toil and enterprise of the pre-emptor, and exacting from their necessities a ruinous rate of interest. We look to the Executive to avert these results. In times of prosperity the policy of hastening public sales would not be opposed, for then a healthy demand should be supplied and the tendency would be to relieve the treasury. We proudly point to Minnesota as a State in which more land has been entered by pre-emptors than all the States or Territories of this Union, and claim that since her settlement, in no part of the country has so much land been sold to the actual settlers, as here. We ask, therefore, that the Executive should interfere to protect our people from the speculator, knowing that our settlers will, as they already have done, pay for their claims as fast as possible. We have reaped the advantages of the pre-emption policy as a State, resulting equally to the advantage of the Government, and while asking no indefinite postponement of the proposed public sales, desire that exercise of Executive discretion, which will, during the present year, at least protect our settlers from the inevitable disasters that must follow them, and that they be delayed until the financial condition of the country will warrant such sales. This matter is one so vital to our prosperity, that we trust it will receive, as it merits, the favorable consideration of the President.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE.
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XXV.

Memorial of the Legislature of Minnesota.

To the President of the United States:

Memorial of the Legislature of Minnesota

Your memorialists, the Legislature of the State of Minnesota, beg most respectfully to represent to your Excellency, that military protection should be, and we pray that it may be afforded to the settlements in Northern Minnesota and Northern Dakota, by the immediate establishment and occupation of a military post near Graham's Point on the Red River of the North, and your memorialists will ever pray, &c.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor, *ad interim.*

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XXVI.

A Memorial for a Land Grant to aid in the construction of the Nininger, St. Peter and Western Railroad.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

Memorial for a grant of land

The Memorial of the Legislature of the State of Minnesota, most respectfully represents, that the Nininger, St. Peter and Western Railroad Company were chartered in the year 1857; that the lines of said road runs through a fertile region of partly settled country.

That the early construction of said road is of vast importance to the citizens of a great portion of Minnesota.

Therefor, your memorialists would most respectfully ask Congress for a grant of a portion of the unsold lands along the line of said road to aid in its construction.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XXVII.

A Memorial to Congress for a Grant of Land to aid in the Construction of a Railroad from Winona by way of La Crescent and Brownsville, to the point of Junction with the Milwaukee and Mississippi Road, at the Southern Boundary Line of the State of Minnesota.

To the Honorable the Senate and House of Representatives in Congress Assembled:

The Legislature of the State of Minnesota most respect-

fully ask, That in addition to the grant of land made to the Territory, or State of Minnesota, by act of Congress approved March 3, 1857, to aid in the construction of certain Roads therein mentioned,

Memorial to Congress for a grant of land

That every alternate section of land belonging to the United states, and located within six miles of the line of Railroad, to be constructed from a point in the town of Winona, (to be designated thereafter), and from thence by the way of La Crescent and Brownsville, in the State of Minnesota, to the southern boundary line of said State to the point of junction with the Milwaukee and Mississippi Road, be granted to the State of Minnesota to aid in the construction of said Road.

And your memorialists further ask, that where said alternate sections, or any portion thereof, have been disposed of under the provisions of any law or regulation of Congress, that an equivalent thereto in alternate sections may be selected from any of the public lands belonging to the United States, and included within the limits of the State of Minnesota, to aid in the construction of said Road.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—June thirtieth, one thousand eight hundred and fifty eight.

WILLIAM HOLCOMBE,
Governor *ad interim.*

SECRETARY'S OFFICE, Minnesota, June 30, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XXVIII.

A Memorial to Congress for a Grant of Land to aid in the Construction of a Railroad from the Confluence of the Southern Branch of Root River to Sioux Falls City, on the Big Sioux River, by way of Preston, Carmona and Forrestville.

To the Honorable the Senate and House of Representatives in Congress Assembled:

The Legislature of the State of Minnesota most respect-

Memorial to Congress for a grant of land.

fully ask, That in addition to the grant of land made to the Territory of Minnesota, by Act of Congress approved March 3, 1857, to aid in the construction of certain Railroads therein mentioned, that every alternate section of land belonging to the United States, and located within six miles of the line of Railroad, commencing at a point of junction at or near the south fork of Root River, in township one hundred and three (103), of range nine (9), from thence on the most direct and practicable route to Sioux Falls City, on the Big Sioux River, by way of Preston, Carimona and Forrestville, be granted to the State of Minnesota, to aid in the construction of said Road.

And your memorialists would further ask, that where said alternate sections, or any portion of the same, has been disposed of in accordance with the provisions of any law or regulation of Congress, that an equivalent thereto may be selected from any portion of the public lands belonging to the United States, and included within the limits of the State of Minnesota, to aid in the construction of said Road.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—July fourteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 14, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XXIX.

A Memorial to Congress.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled:

The memorial of the Legislature of the State of Minnesota respectfully showeth, that by an Act of Congress approved March third, 1857, there was appropriated for salaries of Governor, three Judges, and Secretary of the Territory of the State of Minnesota, for the year ending June 30th, 1858, the sum of nine thousand three hundred dollars.

For contingent expenses of said Territory, one thousand five hundred dollars.

Memorial relating to certain appropriations

For compensation and mileage of the members of the Legislative Assembly, officers, clerks, and contingent expenses of the Assembly, twenty-six thousand dollars.

That the last named sum, to wit: twenty-six thousand dollars has not been drawn from the treasury of the United States. No legislature having assembled in pursuance of the Act organizing said Territory.

That the present legislature elected under the provisions of the constitution of the State of Minnesota, assembled at St. Paul on the first Wednesday of December, 1857, and continued in session until the 25th day of March, 1858.

That the expenses incurred by said session amounts to seventy-five thousand six hundred and ninety-four dollars, ($75 694.00.)

That the said session was prior to the admission of the State into the Union.

Wherefore, your memorialists pray that the sum of twenty-six thousand dollars appropriated as aforesaid, may be placed at the disposal of the Treasurer of the State of Minnesota, and that a further sum of forty-nine thousand, six hundred and ninety-four dollars, ($49,694 00) be appropriated to defray the expenses incurred by said legislature, prior to the Admission of the State of Minnesota into the Union. Your memorialists would further call the attention of your honorable body to their Memorial No. 19, asking for further appropriations for former legislative and incidental expenses incurred, and which has been assumed by this State, and to which memorial No. 19, as aforesaid, this memorial is supplemental.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem* of the Senate.

APPROVED—June thirtieth, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim*.

SECRETARY'S OFFICE, Minnesota, June 30, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XXX.

A Memorial for the improvement of the St. Croix River.

To the Honorable the Senate and House of Representatives in Congress assembled:

Memorial for improvement of St Croix River

The Memorial of the Legislature of the State of Minnesota respectfully represent, that the ordinance of 1787, ceding to the United States the North-west Territory, also the Enabling Act authorizing the people of Minnesota to form a State government, have declared the St. Croix River a public highway and forever free to all citizens of the United States, without any tax, duty, impost or toll therefor.

The Government of the United States in thus declaring the St. Croix River a national highway, have assumed the dictatorial right to improve as well as use the same, and have taken from the States bordering on the same their exclusive control

Therefore, your memorialists would ask of your honorable body, an appropriation of fifty thousand dollars to be expended under the direction and authority of the proper department of Government, for the improvement of said river.

This appropriation judiciously expended, would open or improve one of the most important thoroughfares in the nation. It is a connecting link which will ultimately blend the commerce of the great lakes with that of the Mississippi. This being a national thoroughfare, such an appropriation cannot be deemed sectional; and your memorialists respectfully submit that the benefits which the Government would derive from the improvement thus contemplated in shortening the vast distance by way of the St. Marys River and Lake Michigan, thence across to the Mississippi and up the same more than one thousand miles, thus saving an enormous annual expenditure to the Government in the transportation of the Army and her supplies, would far exceed the amount required to remove the obstacles to the navigation of the said River.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seventh, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XXXI.

A Memorial to the Post Master General for a Daily Mail from Prescott, Wisconsin, via Point Douglas, Afton, Lakeland, Stillwater, and Marine, to Taylor's Falls.

To the Postmaster General of the United States:

The Memorial of the Legislature of the State of Minnesota, respectfully represents:

Memorial for a mail route from Prescott to Taylor's Falls

That the present postal facilities in the St. Croix Valley are entirely inadequate to the wants of the people. The rapid increase of business in the St. Croix Valley, together with the extensive mail passing to and from Superior, demand additional mail facilities.

Your Memoralists therefor respectfully ask that a daily mail may be established from Prescott, Wisconsin, via Point Douglas, Afton, Lakeland, Stillwater, and Marine, to Taylor's Falls.

Your Memoralists would respectfully ask that said daily mail may be carried by steamboats which ply daily between the above named points, when the navigation of said river is open, and by land carriage at other periods of the year.

Your Memoralists would further represent that by the establishment of this daily mail route, the mail would be received throughout that entire valley, as well as at Superior and all Northern Wisconsin and North-eastern Minnesota, two days in advance of the present mail arrangements.

GEORGE BRADLEY,
Speaker *pro tem* of the House of Representatives.

RICHARD G. MURPHY,
President *pro tem* of the Senate.

APPROVED—February twenty-seventh, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
February 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XXXII.

A Memorial to the Congress of the United States for the establishment of a Mail Route from Looneyville, in Houston County, via Houston, Yucatan, Dedham, Newburgh and Lenora to Eliota, in Fillmore County.

Memorial for a mail route from Looneyville to Eliota

The Senate and House of Representatives of the State of Minnesota, respectfully represent to your honarable bodies, that the rapid influx of settlers within the limits of our State, and particularly along the line of the proposed Mail Route, require an equally proportionate increase in the Mail Routes within the limits of our State, for the accomodation of not only our actual settlers, but also for the traveling and commercial public, which has increased and is increasing in an equal proportion to the settlement of the country, therefore, we would respectfully memorialize your honorable bodies for the establishment of a Mail Route for the accommodation of the inhabitants of our State, from Looneyville, in Houston County, by the way of Houston, Yucatan, Dedham, Newburgh and Lenora, to Eliota, in the County of Fillmore, for which we humbly pray.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XXXIII.

A Memorial to Congress for an appropriation to complete the Point Douglas and Saint Louis River Military Road.

To the Honorable the Senate and House of Representatives in Congress assembled:

The Memorial of the Legislature of the State of Minnesota

respectfully represents, that there are now about thirty miles of the Point Douglas and Saint Louis Military Road unfinished, and in view of the importance of such a road, being a national highway, and the fact that the General Government have commenced the construction of the road, large sums have been appropriated towards it, and only about one-sixth of the entire distance being yet unopened; your memorialists pray your honorable body to make such an appropriation as will complete said road, according to the estimate of the Government officer having charge of Roads, &c., in this State; and your memorialists will as in duty bound ever pray, &c.

Memorial to complete the Point Douglas and St Louis Military Road

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY.
President *pro tem* of the Senate.

APPROVED—March second, one thousand eight hundred and fifty-eight.

CHARLES L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHARLES L. CHASE, Secretary.

NUMBER XXXIV.

A Memorial to Congress for the establishment of a Mail Route from Brownsville, in the State of Minnesota, to Winona, in the State of Minnesota, by the way of La Crescent, Eagle Bluffs, Dresback, Dakota, Richmond, Lemville, Homer and to Winona.

To the Honorable the Senate and House of Representatives in Congress assembled:

The Legislature of the State of Minnesota would most respectfully represent, that the present mail facilities afforded to the people of the southern part of the State, in the tier of counties bordering on the Mississippi River and the towns on the Mississippi River, are entirely insufficient to meet their wants. That the commercial and social interests in that portion of the State, demand an increase of mail facilities,

Memorial for a mail route from Brownsville to Winona

and the establishment of a tri-weekly mail from Brownsville, La Crescent, Eagle Bluffs, Dresback, Dakota, Richmond, Lemville, Homer and to Winona, would form an important and paying route, as much so as any in the State, making a direct and speedy communication with all the principal cities of the East, by way of the Milwaukee and La Crosse Rail Road, for the transportation and distribution of the United States Mail for the southern part of the State of Minnesota.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CONSTITUTION

OF THE

STATE OF MINNESOTA.

PREAMBLE.

Preamble

We, the people of the State of Minnesota, grateful to God for our civil and religious liberty, and desiring to perpetuate its blessings, and secure the same to ourselves and our posterity, do ordain and establish this Constitution:

ARTICLE I.—BILL OF RIGHTS.

Object of government

Section 1. Government is instituted for the security, benefit and protection of the people, in whom all political power is inherent, together with the right to alter, modify or reform such Government, whenever the public good may require it.

Rights and privileges of citizens

Sec. 2. No member of this State shall be disfranchised, or deprived of any of the rights or privileges secured to any citizen thereof, unless by the law of the land, or the judgment of his peers. There shall be neither slavery nor involuntary servitude in the State, otherwise than in the punishment of crime, whereof the party shall have been duly convicted.

Liberty of the press secured

Sec. 3. The Liberty of the press shall forever remain inviolate, and all persons may freely speak, write and publish their sentiments on all subjects, being responsible for the abuse of such right.

Right of trial by jury

Sec. 4. The right of trial by jury shall remain inviolate, and shall extend to all cases at law without regard to the amount in controversy, but a jury trial may be waived by the parties in all cases, in the manner prescribed by law.

Excessive bail for crime—cruel punishments

Sec. 5 Excessive bail shall not be required, nor shall excessive fines be imposed; nor shall cruel or unusual punishments be inflicted.

Sec. 6. In all criminal prosecutions the accused shall

Criminal prosecutions--rights of accused

enjoy the right to a speedy and public trial, by an impartial jury of the County or District wherein the crime shall have been committed, which County or District shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation, to be confronted with the witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel in his defense.

Criminal prosecutions--rights of accused

SEC. 7. No person shall be held to answer for a criminal offence unless on the presentment or indictment of a Grand Jury, except in cases of impeachment or in cases cognizable by Justices of the Peace, or arising in the Army or Navy, or in the militia when in actual service in time of war or public danger, and no person for the same offence shall be put twice in jeopardy of punishment, nor shall be compelled in any criminal case to [be] witness against himself, nor be deprived of life, liberty, or property, without due process of Law. All persons shall before conviction be bailable by sufficient sureties, except for capital offences, when the proof is evident or the presumption great; and the privilege of the writ of *habeas corpus* shall not be suspended, unless, when in cases of rebellion or invasion, the public safety may require.

Redress of injuries and wrongs

SEC. 8. Every person is entitled to a certain remedy in the laws for all injuries or wrongs which he may receive in his person, property or character; he ought to obtain justice freely and without purchase; completely and without denial; promptly and without delay, conformably to the laws.

Treason against the state

SEC. 9. Treason against the State shall consist only in levying war against the same, or in adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open Court.

Rights of the people against unreasonable searches and seizures

SEC. 10. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

Ex post facto laws or laws impairing contracts prohibited

SEC. 11. No bill of attainder *ex post facto* law, nor any law impairing the obligation of contracts shall ever be passed, and no conviction shall work corruption of blood or forfeiture of estate.

Imprisonment for debt prohibited--exemption of property from seizure for debt

SEC. 12. No person shall be imprisoned for debt in this State, but this shall not prevent the Legislature from providing for imprisonment, or holding to bail persons charged with fraud in contracting said debt. A reasonable amount of property shall be exempt from seizure or sale, for the payment of any debt or liability; the amount of such exemption shall be determined by law.

Private property for public use

SEC. 13. Private property shall not be taken for public use without just compensation therefor, first paid or secured

Standing army prohibited

SEC. 14. The military shall be subordinate to the civil power, and no standing army shall be kept up in this State in time of peace.

Lands declared allodial—leases when void

SEC. 15. All lands within this State are declared to be allodial, and feudal tenures of every description, with all their incidents, are prohibited. Leases and grants of agricultural land for a longer period than twenty-one years, hereafter made, in which shall be reserved any rent or service of any kind, shall be void.

Freedom of religious belief acknowledged

SEC. 16. The enumeration of rights in this Constitution, shall not be construed to deny or impair others retained by and inherent in the people. The right of every man to worship God according to the dictates of his own conscience shall never be infringed, nor shall any man be compelled to attend, erect, or support any places of worship, or to maintain any religious or ecclesiastical ministry against his consent, nor shall any control of, or interference with the rights of conscience be permitted, or any preference be given by law to any religious establishment or mode of worship; but the liberty of conscience hereby secured, shall not be so construed as to excuse acts of licentiousness or justify practices inconsistent with the peace or safety of the State, nor shall any money be drawn from the Treasury for the benefit of any religious societies, or religious or Theological Seminaries.

No religious test or property qualification for office to be required

SEC. 17. No religious test or amount of property shall ever be required as a qualification for any office of public trust under the State. No religious test or amount of property shall ever be required as a qualification of any voter at any election in this State; nor shall any person be rendered incompetent to give evidence in any Court of law or equity in consequence of his opinion upon the subject of religion.

ARTICLE II.—ON NAME AND BOUNDARIES.

Name and boundaries of the state

SECTION. 1. This State shall be called and known by the name of the State of Minnesota, and shall consist of and have jurisdiction over the Territory embraced in the following boundaries, to wit: Beginning at the point in the center of the main channel of the Red River of the North, where the boundary line between the United States and the British Possessions crosses the same; thence up the main channel of said river to that of the Bois des Sioux River; thence up the main channel of said river to Lake Traverse; thence up the center of said lake to the southern extremity thereof; thence in a direct line to the head of Big Stone Lake, thence through its center to its outlet; thence by a due south line to the north line of the State of Iowa; thence east along the northern boundary of said State to the main channel of the Mississippi River; thence up the main channel of said river and following the boundary line of the State of Wisconsin, until the same intersects the St. Louis River; thence down the said

river to and through Lake Superior, on the boundary line of Wisconsin and Michigan, until it intersects the dividing line between the United States and British possessions; thence up Pigeon River and following said dividing line to the place of beginning.

Jurisdiction on rivers

SEC. 2. The State of Minnesota shall have concurrent jurisdiction on the Mississippi and on all other rivers and waters bordering on the said State of Minnesota, so far as the same shall form a common boundary to said State, and any other State or States now or hereafter to be formed by the same; and said river and waters, and navigable waters leading into the same, shall be common highways, and forever free, as well to the inhabitants of said State as to other citizens of the United States, without any tax, duty, impost or toll therefor.

Acceptance of the propositions contained in enabling act of congress

SEC. 3. The propositions contained in the act of Congress entitled "An Act to authorize the people of the Territory of Minnesota to form a Constitution and State Government preparatory to their admission into the Union on an equal footing with the original States," are herby accepted, ratified and confirmed, and shall remain irrevocable without the consent of the United States; and it is hereby ordained that this State sall never interfere with the primary disposal of the soil within the same, by the United States, or with any regulations Congress may find necessary for securing the title to said soil to *bona fide* purchasers thereof; and no tax shall be imposed on lands belonging to the United States, and in no case shall non-resident proprietors be taxed higher than residents.

ARTICLE III.—DISTRIBUTION OF THE POWERS OF GOVERNMENT.

Powers of government

SECTION 1. The powers of government shall be divided into three distinct departments, Legislative, Executive and Judicial; and no person or persons belonging to or constituting one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the instances expressly provided in this Constitution.

ARTICLE IV.—LEGISLATIVE DEPARTMENT.

Legislature of the state

SECTION 1. The Legislature of the State, shall consist of a Senate and House of Representatives, who shall meet at the Seat of Government of the State, at such times as shall be prescribed by law.

Number of members

SEC. 2. The number of members who compose the State and House of Representatives shall be prescribed by law, but the representation in the Senate shall never exceed one member for every five thousand inhabitants, and in the House of Representatives one member for every two thousand inhabitants. The representation in both Houses shall be ap-

portioned equally throughout the different sections of the State, in proportion to the population thereof, exclusive of Indians not taxable under the provisions of law.

Election of members

SEC. 3. Each House shall be judge of the election returns, and eligibility of its own members; a majority of each shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as it may provide.

Rules for the government of each house

SEC. 4. Each House may determine the rules of its proceedings, sit upon its own adjournment, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member, but no member shall be expelled a second time for the same offense.

Election of presiding officers

SEC. 5. The House of Representatives shall elect its presiding officer, and the Senate and House of Representatives shall elect such other officer as may be provided by law; they shall keep Journals of their proceedings, and from time to time publish the same, and the yeas and nays, when taken on any question, shall be entered on such Journals.

Concerning adjournments

SEC. 6. Neither House shall, during a Session of the Legislature, adjourn for more than three days, (Sunday excepted,) nor to any other place than that in which the two Houses shall be assembled, without the consent of the other House.

Compensation of members

SEC. 7. The compensation of Senators and Representatives shall be three dollars per diem, during the first session, but may afterwards be prescribed by law. But no increase of compensation shall be prescribed which shall take effect during the period for which the members of the existing House of Representatives may have been elected.

Privileges of members

SEC. 8. The members of each House shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during the Session of their respective Houses, and in going to or returning from the same. For any speech or debate in either House they shall not be questioned in any other place.

Restrictions as to members holding office

SEC. 9. No Senator or Representative shall, during the time for which he is elected, hold any office under the authority of the United States, or the State of Minnesota, except that of Postmaster; and no Senator or Representative shall hold an office under the State, which had been created, or the emoluments of which had been increased during the session of the Legislature of which he was a member, until one year after the expiration of his term of office in the Legislature.

Bills for revenue where to originate

SEC. 10. All Bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose and concur with amendments, as on other Bills.

SEC. 11. Every Bill which shall have passed the Senate and House of Representatives, in conformity to the Rules of

Concerning the passage of bills—approval by governor or exercise of veto

each House and the Joint Rules of the two Houses, shall before it becomes a law, be presented to the Governor of the State. If he approve, he shall sign and deposit it in the office of Secretary of State for preservation, and notify the House, where it originated, of the fact. But if not, he shall return it, with his objections, to the House in which it shall have originated, when such objections shall be entered at large on the Journal of the same, and the House shall proceed to re-consider the Bill. If, after such re-consideration, two-thirds of that House shall agree to pass the Bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be re-considered, and if it be approved by two-thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for or against the Bill shall be entered on the Journal of each House respectively. If any Bill shall not be returned by the Governor within three days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the Legislature, by adjournment within that time, prevent its return, in which case it shall not be a law. The Governor may approve, sign and file in the office of the Secretary of State, within three days after the adjournment of the Legislature, any act passed during the three last days of the session, and the same shall become a law.

Appropriations of money—how made

SEC. 12. No money shall be appropriated except by Bill. Every order, resolution or vote requiring the concurrence of the two Houses, (except such as relate to the business or adjournment or the same,) shall be presented to the Governor for his signature, and before the same shall take effect, shall be approved by him, or being returned by him with his objections, shall be re-passed by two-thirds of the members of the two Houses, according to the rules and limitations prescribed in case of a bill.

Enacting clause of laws

SEC. 13. The style of all laws of this State shall be: "Be it enacted by the Legislature of the State of Minnesota." No law shall be passed unless voted for by a majority of all the members elected to each branch of the Legislature, and the vote entered upon the Journal of each House.

Impeachment

SEC. 14. The House of Representatives shall have the sole power of impeachment, through a concurrence of a majority of all the members elected to seats therein. All impeachments shall be tried by the Senate; and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the members present.

Exclusion of criminals from civil rights

SEC. 15. The Legislature shall have full power to exclude from the privilege of electing or being elected, any person convicted of bribery, perjury, or any other infamous crime.

SEC. 16. Two or more members of either House shall have liberty to dissent and protest against any act or resolution which they may think injurious to the public or to any individual, and have the reason of their dissent entered on the Journal. Protest of members

SEC. 17. The Governer shall issue writs of election to fill such vacancies as may occur in either House of the Legislature. The Legislature shall prescribe by law the manner in which evidence in cases of contested seats in either House shall be taken. Vacancies in legislature

SEC. 18. Each House may punish by imprisonment, during its session, any person not a member who shall be guilty of any disorderly or contemptuous behavior in their presence, but no such imprisonment shall at any time exceed twenty-four hours. Punishment for breach of order, &c

SEC. 19. Each House shall be open to the public during the sessions thereof, except in such cases as in their opinion may require secrecy. Sessions to be open to public

SEC. 20. Every bill shall be read on three different days in each separate House, unless in case of urgency two-thirds of the House where such bill is depending, shall deem it expedient to dispense with this rule, and no bill shall be passed by either House until it shall have been previously read twice at length. Reading of bills

SEC. 21. Every bill having passed both Houses, shall be carefully enrolled, and shall be signed by the presiding officer of each House. Any presiding officer refusing to sign a bill which shall have previously passed both Houses, shall thereafter be incapable of holding a seat in either branch of the Legislature, or hold any other office of honor or profit in the State, and in case of such refusal, each House shall, by rule, provide the manner in which such bill shall be properly certified for presentation to the Governor. Enrolling and signing of bills

SEC. 22. No bill shall be passed by either House of the Legislature upon the day prescribed for the adjournment of the two Houses. But this section shall not be so construed as to preclude the enrollment of a bill, or the signature and passage from one House to the other, or the reports thereon from committees, or its transmission to the Executive for his signature. Passage of bills on last day of session prohibited

SEC. 23. The Legislature shall provide by law for the enumeration of the inhabitants of this State in the year one thousand eight hundred and sixty-five, and every tenth year thereafter. At their first session after each enumeration so made, and also at their first session after each enumeration made by the authority of the United States, the Legislature shall have the power to prescribe the bounds of Congressional, Senatorial and Representative districts, and to apportion anew the Senators and Representatives among the several Districts, according to the provisions of Section second of this Article. Census when to be provided for—apportionment

Election of senators

SEC. 24. The Senators shall also be chosen by single Districts of convenient contiguous Territory, at the same time that the members of the House of Representatives are required to be chosen, and in the same manner, and no representative district shall be divided in the formation of a Senate District. The Senate Districts shall be numbered in regular series, and the Senators chosen by the Districts designated by odd numbers, shall go out of office at the expiration or the first year, and the Senators chosen by the districts designated by even numbers shall go out of office at the expiration of the second year; and thereafter the Senators shall be chosen for the term of two years, except there shall be an entire new election of all the Senators at the election next succeeding each new apportionment provided for in this Article.

Qualification of members

SEC. 25. Senators and Representatives shall be qualified voters of the State, and shall have resided one year in the State, and six months immediately preceding the election in the District from which they are elected.

U S Senators

SEC. 26. Members of the Senate of the United States from this State shall be elected by the two Houses of the Legislature in Joint Convention, at such times and in such manner as may be provided by law.

Laws to embrace only one subject

SEC. 27. No law shall embrace more than one subject, which shall be expressed in its title.

Divorces

SEC. 28. Divorces shall not be granted by the Legislature.

Oath of office

SEC. 29. All members and officers of both branches of the Legislature shall, before entering upon the duties of their respective trusts, take and subscribe an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Minnesota, and faithfully and impartially to discharge the duties devolving upon him as such member or officer.

Manner of voting

SEC. 30. In all elections to be made by the Legislature, the members thereof shall vote *viva voce*, and their votes shall be entered on the Journal.

Sale of lottery tickets

SEC. 31. The Legislature shall never authorize any lottery, or the sale of lottery tickets.

ARTICLE V.—EXECUTIVE DEPARTMENT.

Executive department

SECTION 1. The Executive Department shall consist of a Governor, Lieutenant Governor, Secretary of State, Auditor, Treasurer and Attorney General, who shall be chosen by the electors of the State.

Returns of elections

SEC 2. The returns of every election, for the officers named in the foregoing Section, shall be made to the Secretary of State, and by him transmitted to the Speaker of the House of Representatives, who shall cause the same to be opened and canvassed before both Houses of the Legislature, and the result declared within three days after each House shall be organized.

Term of office of Governor and Lieutenant Governor

SEC. 3. The term of office for the Governor and Lieutenant Governor shall be two years and until their successors are chosen and qualified. Each shall have attained the age of twenty-five (25) years, and shall have been a *bona fide* resident of the State for one year next preceding his election. Both shall be citizens of the United States.

Governor—his duties

SEC. 4. The Governor shall communicate by message to each session of the Legislature such information touching the state and condition of the country as he may deem expedient. He shall be Commander-in-Chief of the Military and Naval forces, and may call out such forces to execute the Laws, suppress insurrection and repel invasion. He may require the opinion, in writing, of the principal officer in each of the Executive Departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons, after conviction, for offences against the State, except in cases of impeachment. He shall have power, by and with the advice and consent of the Senate, to appoint a State Librarian and Notaries Public; and such other officers as may be provided by law. He shall have power to appoint Commissioners to take the acknowledgment of Deeds, or other instruments in writing, to be used in the State. He shall have a negative upon all laws passed by the Legislature, under such rules and limitations as are in this Constitution prescribed. He may on extraordinary occasions convene both Houses of the Legislature. He shall take care that the laws be faithfully executed, fill any vacancy that may occur in the office of Secretary of State, Treasurer, Auditor, Attorney-General, and such other State and District offices as may be hereafter created by law, until the next annual election, and until their successors are chosen and qualified.

Term of office of the Sec of State & Attorney General —salaries of executive officers

SEC. 5. The official term of the Secretary of State, Treasurer and Attorney-General shall be two years. The official term of the Auditor shall be three years, and each shall continue in office until his successor shall have been elected and qualified. The Governor's salary for the first term under this Constitution shall be Two Thousand Five Hundred dollars per annum. The salary of the Secretary of State for the first term shall be Fifteen Hundred Dollars per annum. The Auditor, Treasurer and Attorney-General shall, each, for the first term receive a salary of One Thousand Dollars per annum. And the further duties and salaries of said Executive officers shall each thereafter be prescribed by law.

Lt Governor—his duties

SEC. 6. The Lieutenant-Governor shall be *ex-officio* President of the Senate; and in case a vacancy should occur, from any cause whatever, in the office of Governor, he shall be Governor during such vacancy. The compensation of Lieutenant-Governor shall be double the compensation of a State Senator. Before the close of each session of the Senate, they shall elect a President *pro tempore*, who shall be

Lieutenant-Governor in case a vacancy should occur in that office.

Commencement of term of office

SEC. 7. The term of each of the Executive offices named in this article shall commence upon taking the oath of office, after the State shall be admitted by Congress into the Union, and continue until the first Monday in January, eighteen hundred and sixty, except the Auditor, who shall continue in office until the first Monday in January, eighteen hundred and sixty-one, and until their successors shall have been duty elected and qualified.

Oath of office

SEC. 8. Each officer created by this Article, shall before entering upon his duties, take an oath or affirmation to support the Constitution of the United States, and of this State, and faithfully discharge the duties of his office to the best of his judgment and ability.

Duties of legislature

SEC. 9. Laws shall be passed at the first Session of the Legislature after the State is admitted into the Union to carry out the provisions of this Article.

ARTICLE VI.—JUDICIARY.

Judicial power of the State

SECTION 1. The Judical power of the State shall be vested in a Supreme Court, District Courts, Courts of Probate, Justices of the Peace, and such other courts, inferior to the Supreme Court, as the Legislature may from time to time establish by a two-thirds vote.

Supreme Court

SEC. 2. The Supreme Court shall consist of one Chief Justice, and two Associate Justices, but the number of the Associate Justices may be increased to a number not exceeding four, by the Legislature, by a two-thirds vote, when it shall be deemed necessary. It shall have original jurisdiction in such remedial cases as may be prescribed by law, and appellate jurisdiction in all cases, both in law and equity, but there shall be no trial by jury in said Court. It shall hold one or more terms in each year, as the Legislature may direct, at the seat of government, and the Legislature may provide by a two-thirds vote, that one term in each year shall be held in each or any Judicial District. It shall be the duty of such Court to appoint a Reporter of its decisions. There shall be chosen by the qualified electors of the State, one Clerk of the Supreme Court, who shall hold his office for the term of three years, and until his successor is duly elected and qualified, and the Judges of the Supreme Court, or a majority of them, shall have the power to fill any vacancy in the office of Clerk of the Supreme Court until an election can be regularly had.

Judges of the Supreme Court

SEC. 3. The Judges of the Supreme Court shall be elected by the electors of the State at large, and their term of office shall be seven years, and until their successors are elected and qualified.

SEC. 4. The State shall be divided by the Legislature

into six Judicial Districts, which shall be composed of contiguous Territory, be bounded by county lines, and contain a population as nearly equal as may be practicable. In each Judicial District, one Judge shall be elected by the electors thereof, who shall constitute said Court and whose term of office shall be seven years. Every District Judge, shall at the time of his election, be a resident of the District for which he shall be elected, and shall reside therein during his continuance in office. Judicial districts

SEC. 5. The District Courts shall have original jurisdiction in all civil cases, both in law and equity, where the amount in controversy exceeds one hundred dollars, and in all criminal cases where the punishment shall exceed three months imprisonment, or a fine of more than one hundred dollars, and shall have such appellate jurisdiction as may be prescribed by law. The Legislature may provide by law that the Judge of one District may discharge the duties of the Judge of any other District not his own, when convenience or the public interest may require it. District Courts

SEC. 6. The Judges of the Supreme and District Courts shall be men learned in the law, and shall receive such compensation, at stated times, as may be prescribed by the Legislature, which compensation shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services. Qualifications of the Judges of the Supreme and District Courts

SEC. 7. There shall be established in each organized county in the State a Probate Court, which shall be a Court of Record, and be held at such times and places as may be prescribed by law. It shall be held by one Judge, who shall be elected by the voters of the county for the term of two years. He shall be a resident of such county at the time of his election, and reside therein during his continuance in office, and his compensation shall be provided by law. He may appoint his own Clerk, where none has been elected, but the Legislature may authorize the election by the electors of any county, of one Clerk or Register of Probate for such county, whose powers, duties, term of office and compensation shall be prescribed by law. A Probate Court shall have jurisdiction over the estates of deceased persons, and persons under guardianship, but no other jurisdiction, except as prescribed by this Constitution. Probate Court

SEC. 8. The Legislature shall provide for the election of a sufficient number of Justices of the Peace in each county, whose term of office shall be two years, and whose duties and compensation shall be prescribed by law: *Provided*, That no Justice of the Peace shall have jurisdiction of any civil cause where the amount in controversy shall exceed one hundred dollars, nor in a criminal cause where the punishment shall exceed three months imprisonment, or a fine of over one hundred dollars, nor in any cause involving the title to real estate. Justices of the Peace

Judges, other than those provided for in this Constitution

SEC. 9. All Judges other than those provided for in this Constitution shall be elected by the electors of the Judicial District, county or city, for which they shall be created, nor for a longer term than seven years.

Vacancy in Judgeship

SEC. 10. In case the office of any Judge shall become vacant before the expiration of the regular term for which he was elected, the vacancy shall be filled by appointment by the Governor until a successor is elected and qualified. And such successor shall be elected at the first annual election that occurs more than thirty days after the vacancy shall have happened.

Prohibition to Justices of the Supreme and District Courts

SEC. 11. The Justices of the Supreme Court and the District Courts shall hold no office under the United States, nor any other office under this State. And all votes for either of them for any elective office under this Constitution, except a Judicial office, given by the Legislature or the people, during their continuance in office, shall be void.

Change of Judicial districts

SEC. 12. The Legislature may at any time change the number of Judicial Districts or their boundaries, when it shall be deemed expedient, but no such change shall vacate the office of any Judge.

Clerk of District Court's

SEC. 13. There shall be elected in each County where a District Court shall be held, one Clerk of said Court, whose qualifications, duties and compensation shall be prescribed by law, and whose term of office shall be four years.

Legal pleadings and proceedings

SEC. 14. Legal pleadings and proceedings in the Courts of this State shall be under the direction of the Legislature. The style of all process shall be "The State of Minnesota," and all indictments shall conclude "against the peace and dignity of the State of Minnesota."

Court Commissioners

SEC. 15. The Legislature may provide for the election of one person in each organized County in this State, to be called a Court Commissioner, with judicial power and jurisdiction not exceeding the power and jurisdiction of a Judge of the District Court at Chambers; or the Legislature may, instead of such election, confer such power and jurisdiction upon Judges of Probate in the State.

ARTICLE VII.—ELECTIVE FRANCHISE.

Elective franchise

SECTION. 1. Every male person of the age of twenty-one years or upwards belonging to either of the following classes, who shall have resided in the United States one year, and in this State for four months next preceding any election, shall be entitled to vote at such election, in the election district of which he shall at the time have been for ten days a resident, for all officers that now are, or hereafter may be, elective by the people.

First. White citizens of the United States.

Second. White persons of foreign birth, who shall have declared their intention to become citizens, conformably to

the laws of the United States upon the subject of naturalization.

Third. Persons of mixed, white and Indian blood, who have adopted the customs and habits of civilization.

Fourth. Persons of Indian blood residing in this State, who have adopted the language, customs and habits of civilization, after an examination before any District Court of the State, in such manner as may be provided by law, and shall have been pronounced by said Court capable of enjoying the rights of citizenship within the State.

SEC. 2. No person not belonging to one of the classes specified in the preceding section; no person who has been convicted of treason or any felony, unless restored to civil rights, and no person under guardianship or who may be *non compos mentis* or insane, shall be entitled or permitted to vote at any election in this State.

SEC. 3. For the purpose of voting, no person shall be deemed to have lost a residence by reason of his absence while employed in the service of the United States; nor while engaged upon the waters of this State or of the United States; nor while a student of any seminary of learning; nor while kept at any alms-house or asylum; nor while confined in any public prison.

SEC. 4. No soldier, seaman or marine in the army or navy of the United States, shall be deemed a resident of this State in consequence of being stationed within the same:

SEC. 5. During the day on which any election shall be held, no person shall be arrested by virtue of any civil process. On election day freedom from arrest on civil process

SEC. 6. All elections shall be by ballot, except for such town officers as may be directed by law to be otherwise chosen. Elections to be by ballot

SEC. 7. Every person who, by the provisions of this Article, shall be entitled to vote at any election, shall be eligible to any office which now is, or hereafter shall be, elective by the people in the district wherein he shall have resided thirty days previous to such election, except as otherwise provided in this Constitution, or the Constitution and Laws of the United States. Eligibility to office

ARTICLE VIII.—SCHOOL FUNDS, EDUCATION AND SCIENCE.

SECTION 1. The stability of a Republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the Legislature to establish a general and uniform system of public schools. Uniform system of public schools

SEC. 2. The proceeds of such lands as are or hereafter may be granted by the United States for the use of Schools within each township in this State, shall remain a perpetual school fund to the State, and not more than one-third (1-3) of said lands may be sold in two (2) years, one-third (1-3) Proceeds of sales of school lands

in five (5) years, and one-third (1-3) in ten (10) years; but the lands of the greatest valuation shall be sold first, provided that no portion of said lands shall be sold otherwise than at public sale. The principal of all funds arising from sales, or other disposition of lands, or other property, granted or entrusted to this State in each township for educational purposes, shall forever be preserved inviolate and undiminished; and the income arising from the lease or sale of said school lands shall be distributed to the different townships throughout the State, in proportion to the number of scholars in each township between the ages of five and twenty-one years, and shall be faithfully applied to the specific objects of the original grants or appropriations.

Public schools in each township in the state

SEC. 3. The Legislature shall make such provisions, by taxation or otherwise, as, with the income arising from the School fund, will secure a thorough and efficient system of Public Schools in each township in the State.

Location of the state University confirmed

SEC. 4. The location of the University of Minnesota, as established by existing laws, is hereby confirmed, and said institution is hereby declared to be the University of the State of Minnesota. All the rights, immunities, franchises and endowments heretofore granted or conferred, are hereby perpetuated unto the said University, and all lands which may be granted hereafter by Congress, or other donations for said University purposes, shall vest in the institution referred to in this Section.

ARTICLE IX.—FINANCES OF THE STATE, AND BANKS AND BANKING.

Taxation

SECTION 1. All taxes to be raised in this State shall be as nearly equal as may be, and all property on which taxes are to be levied shall have a cash valuation, and be equalized and uniform throughout the State.

SEC. 2. The Legislature shall provide for an Annual Tax sufficient to defray the estimated expenses of the State for each year, and whenever it shall happen that such ordinary expenses of the State for any year shall exceed the income of the State for such year, the Legislature shall provide for levying a Tax for the ensuing year sufficient, with other sources of income, to pay the deficiency of the preceding year, together with the estimated expenses of such ensuing year.

Property subject to taxation

SEC. 3. Laws shall be passed taxing all moneys, credits, investments in bonds, stocks, joint stock companies, or otherwise, and also all real and personal property, according to its true value in money; but public burying grounds, public school houses, public hospitals, academies, colleges, universities, and all seminaries of learning, all churches, church property used for religious purposes and houses of worship, institutions of purely public charity, public property used exclusively for any public purpose, and personal property to

an amount not exceeding in value two hundred dollars for each individual, shall, by general laws, be exempt from taxation.

Property of bank subject to taxation

Sec. 4. Laws shall be passed for taxing the notes and bills discounted or purchased, moneys loaned, and all other property, effects or dues of every description, of all banks, and of all bankers; so that all property employed in banking shall always be subject to a taxation equal to that imposed on the property of individuals.

Public debt may be contracted—amended—see amendment

Sec. 5. For the purpose of defraying extraordinary expenditures, the State may contract public debts, but such debts shall never, in the aggregate, exceed two hundred and fifty thousand dollars; every such debt shall be authorized by law, for some single object, to be distinctly specified therein; and no such law shall take effect until it shall have been passed by the vote of two-thirds of the members of each branch of the Legislature, to be recorded by yeas and nays on the Journals of each House respectively; and every such law shall levy a tax annually sufficient to pay the annual interest of such debt, and also a tax sufficient to pay the principal of such debt within ten years from the final passage of such law, and shall specially appropriate the proceeds of such taxes to the payment of such principal and interest; and such appropriation and taxes shall not be repealed, postponed, or diminished until the principal and interest of such debt shall have been wholly paid. The State shall never contract any debts for works of internal improvement, or be a party in carrying on such works, except in cases where grants of land, or other property, shall have been made to to the State, especially dedicated by the grant to specific purposes, and in such cases the State shall devote thereto the avails of such grants, and may pledge or appropriate the revenues derived from such works in aid of their completion.

Public debt how contracted

Sec. 6. All debts authorized by the preceding Section shall be contracted by loan on State Bonds of amounts not less than five hundred dollars each, on interest, payable within ten years after the final passage of the law authorizing such debt; and such bonds shall not be sold by the State under par. A correct registry of all such bonds shall be kept by the Treasurer, in numerical order, so as always to exhibit the number and amount unpaid, and to whom severally made payable.

Sec. 7.—The State shall never contract any public debt, unless in time of war, to repel invasion or suppress insurrection, except in the cases and in the manner provided in the fifth and sixth Sections of this Article.

Appropriation of money received from loan of state bonds

Sec. 8. The money arising from any loan made or debt or liability contracted, shall be applied to the object specified in the act authorizing such debt or liability, or to the re-payment of such debt or liability, and to no other purpose whatever.

Payment of money out of treasury

SEC. 9. No money shall ever be paid out of the Treasury of this State, except in pursuance of an appropriation by law.

State credit prohibited to individuals or associations

SEC. 10. The credit of the State shall never be given or loaned in aid of any individual association or corporation.

Receipts and expenditures of the state

SEC. 11. There shall be published by the Treasurer, in at least one newspaper printed at the seat of government, during the first week of January in each year, and in the next volume of the Acts of the Legislature, detailed statements of all moneys drawn from the Treasury during the preceeding year, for what purposes, and to whom paid, and by what law authorized, and also of all moneys received, and by what authority, and from whom.

Disbursements of the state and school funds

SEC. 12. Suitable laws shall be passed by the Legislature for the safe keeping, transfer, and disbursement of the State and School funds, and all officers and other persons charged with the same shall be required to give ample security for all moneys and funds of any kind, to keep an accurate entry of each sum received, and of each payment and transfer, and if any of said officers or other persons shall convert to his own use in any form, or shall loan with or without interest, contrary to law, or shall deposit in banks, or exchange for other funds, any portion of the funds of the State, every such act shall be adjudged to be an embezzlement of so much of the State funds as shall be thus taken, and shall be declared a felony; and any failure to pay over or produce the State or School funds intrusted to such persons, on demand, shall be held and taken to be *prima facie* evidence of such embezzlement.

Provisions and restrictions for a banking law

SEC. 13. The Legislature may, by a two-thirds vote, pass a General Banking Law, with the following restrictions and requirements, viz:

First—The Legislature shall have no power to pass any law sanctioning in any manner, directly or indirectly, the suspension of specie payments by any person, association or corporation issuing bank notes of any description.

Second—The Legislature shall provide by law for the registry of all bills or notes issued or put in circulation as money, and shall require ample security in United States stock or State stocks for the redemption of the same in specie, and in case of a depreciation of said stocks, or any part thereof, to the amount of ten per cent. or more on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by additional stocks.

Third—The stockholders in any corporation and joint association for banking purposes issuing bank notes, shall be individually liable in an amount equal to double the amount of stock owned by them for all the debts of such corporation or association, and such individual liability shall continue for one year after any transfer or sale of stock by any stockholder or stockholders.

Fourth—In case of the insolvency of any bank or banking association, the bill-holders thereof shall be entitled to preference in payment over all other creditors of such bank or association

Fifth—Any General Banking Law which may be passed in accordance with this Article, shall provide for recording the names of all stockholder in such corporations, the amount of stock held by each, the time of transfer, and to whom transferred.

ARTICLE X.—Of Corporations having no Banking Privileges.

Of corporations and their powers

Section 1. The term "Corporations," as used in this Article, shall be construed to include all associations and joint stock companies having any of the powers and privileges not possessed by individuals or partnerships, except such as embrace banking privileges, and all corporations shall have the right to sue, and shall be liable to be sued in all Courts in like manner as natural persons.

Sec. 2. No corporations shall be formed under special acts, except for municipal purposes.

Sec. 3. Each stockholder in any corporation shall be liable to the amount of the stock held or owned by him.

Lands when may be taken for public way

Sec. 4. Lands may be taken for public way, for the purpose of granting to any corporation the franchise of way for public use. In all cases, however, a fair and equitable compensation shall be paid for such land, and the damages arising from the taking of the same; but all corporations being common carriers, enjoying the right of way in pursuance of the provisions of this Section, shall be bound to carry the mineral, agricultural and other productions or manufactures on equal and reasonable terms.

ARTICLE XI.—Counties and Townships.

Counties, establishment and organization of

Section 1. The Legislature may from time to time, establish and organize new counties, but no new county shall contain less than four hundred miles; nor shall any county be reduced below that amount; and all laws changing county lines in counties already organized, or for removing county seats, shall, before taking effect, be submitted to the electors of the county or counties to be affected thereby, at the next general election after the passage thereof, and be adopted by a majority of such electors. Counties now established may be enlarged, but not reduced below four hundred (400) square miles.

Organization of cities and separate districts

Sec. 2. The Legislature may organize any city into a separate county when it has attained a population of twenty thousand inhabitants, without reference to geographical extent, when a majority of the electors of the county in which

such city may be situated, voting thereon, shall be in favor of a separate organization.

Organization of townships

SEC. 3. Laws may be passed providing for the organization, for municipal and other town purposes, of any Congressional or fractional townships in the several counties in the State, provided that when a township is divided by county lines, or does not contain one hundred inhabitants, it may be attached to one or more adjoining townships or parts of townships, for the purposes aforesaid.

Election of county and township officers

SEC. 4. Provision shall be made by law for the election of such County or Township officers as may be necessary.

Local taxation

SEC. 5. Any County and Township organization shall have such powers of local taxation as may be prescribed by law.

Money in county or township treasuries

SEC. 6. No money shall be drawn from any County or Township treasury except by authority of law.

ARTICLE XII.—OF THE MILITIA.

Militia organization

SECTION 1. It shall be the duty of the Legislature to pass such laws for the organization, discipline and service of the Militia of the State as may be deemed necessary.

ARTICLE XIII.—IMPEACHMENT AND REMOVAL FROM OFFICE.

Impeachment and removal from office

SECTION 1. The Governor, Secretary of State, Treasurer, Auditor, Attorney General, and the Judges of the Supreme and District Courts, may be impeached for corrupt conduct in office, or for crimes and misdemeanors; but judgment in such case shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust or profit, in this State. The party convicted thereof shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

Removal from office

SEC. 2. The Legislature of this State may provide for the removal of inferior officers from office, for malfeasance or nonfeasance in the performance of their duties.

SEC. 3. No officer shall exercise the duties of his office after he shall have been impeached and before his acquittal.

SEC. 4. On the trial of an impeachment against the Governor, the Lieutenant Governor shall not act as a member of the Court.

SEC. 5. No person shall be tried on impeachment before he shall have been served with a copy thereof, at least twenty days previous to the day set for trial.

ARTICLE XIV.—AMENDMENTS TO THE CONSTITUTION.

SECTION 1. Whenever a majority of both Houses of the Legislature shall deem it necessary to alter or amend this Constitution, they may propose such alterations or amend-

ments, which proposed amendments shall be published with the laws which have been passed at the same session, and said amendments shall be submitted to the people for their approval or rejection; and if it shall appear in a manner to be provided by law, that a majority of voters present and voting shall have ratified such alterations or amendments, the same shall be valid to all intents and purposes, as a part of this Constitution. If two or more alterations or amendments shall be submitted at the same time, it shall be so regulated that the voters shall vote for or against each separately. Amendments to the constitution

SEC. 2. Whenever two-thirds of the members elected to each branch of the Legislature shall think it necessary to call a Convention to revise this Constitution, they shall recommend to the electors to vote, at the next election, for members of the Legislature, for or against a Convention; and if a majority of all the electors voting at said election shall have voted for a Convention, the Legislature shall, at their next session, provide by law for calling the same. The Convention shall consist of as many members as the House of Representatives, who shall be chosen in the same manner, and shall meet within three months after their election for the purpose aforesaid.

ARTICLE XV.—MISCELLANEOUS SUBJECTS.

SECTION 1. The seat of Government of the State shall be at the City of St. Paul, but the Legislature at their first, or any future session, may provide by law for a change of the seat of Government by a vote of the people, or may locate the same upon the land granted by Congress, for a seat of Government to the State, and in the event of the seat of Government being removed from the City of St. Paul to any other place in the State, the Capitol building and grounds shall be dedicated to an institution for the promotion of science, literature and the arts, to be organized by the Legislature of the State, and of which institution the Minnesota Historical Society shall always be a department. Seat of government

SEC. 2. Persons residing on Indian lands within the State shall enjoy all the rights and privileges of citizens as though they lived in any other portion of the State, and shall be subject to taxation. Residence on Indian lands

SEC. 3. The Legislature shall provide for a uniform oath or affirmation to be administered at elections, and no person shall be compelled to take any other or different form of oath to entitle him to vote. Uniform oath

SEC. 4. There shall be a seal of the State, which shall be kept by the Secretary of State, and be used by him officially, and shall be called by him the Great Seal of the State of Minnesota, and shall be attached to all official acts of the Governor, (his signature to acts and resolves of the Legislature excepted,) requiring authentication. The Legislature Seal of the state

shall provide for an appropriate device and motto for said seal.

State prison

SEC. 5. The Territorial prison as located under existing laws shall, after the adoption of this Constitution, be and remain one of the State prisons of the State of Minnesota.

SCHEDULE.

Territorial laws recognised as valid in the change of state organization

SECTION 1. That no inconvenience may arise by reason of a change from a Territorial to a permanent State Government, it is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individuals as of bodies corporate, shall continue as if no change had taken place; and all process which may be issued under the authority of the Territory of Minnesota previous to its admission into the Union of the United States, shall be as valid as if issued in the name of the State.

Laws not repugnant to the constitution to remain in force

SEC. 2. All laws now in force in the Territory of Minnesota not repugnant to this Constitution, shall remain in force until they expire by their own limitation, or be altered or repealed by the Legislature.

Fines, penalties and forfeitures

SEC. 3. All fines, penalties or forfeitures accruing to the Territory of Minnesota, shall inure to the State.

All civil rights under territorial laws to be of the same effect in the change to state government

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a Territorial to a permanent State Government shall remain valid, and shall pass to and may be prosecuted in the name of the State, and all bonds executed to the Governor of the Territory, or to any other officer or Court in his or their official capacity, shall pass to the Governor or State authority, and their successors in office, for the uses therein respectively expressed; and may be sued for and recovered accordingly; and all the estate of property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, and claims and debts of whatsoever description, of the Territory of Minnesota, shall inure to and vest in the State of Minnesota, and may be sued for and recovered in the same manner and to the same extent by the State of Minnesota as the same could have been by the Territory of Minnesota. All criminal prosecutions and penal actions which may have arisen or which may arise before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offences committed against the laws of the Territory of Minnesota before the change from a Territorial to a State Government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Minnesota, with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this Constitution had not been adopted. All actions at law and suits in equity which may be pending in any of the

Courts of the Territory of Minnesota at the time of the change from a Territorial to a State Government, may be continued and transferred to any Court of the State which shall have jurisdiction of the subject matter thereof.

Territorial officers continued until superseded by authority of state

SEC. 5. All Territorial officers, civil and military, now holding their offices under the authority of the United States or of the Territory of Minnesota, shall continue to hold and exercise their respective offices until they shall be superseded by the authority of the State.

First session of legislature

SEC. 6. The first session of the Legislature of the State of Minnesota shall commence on the first Wednesday of December next, and shall be held at the Capitol in the City of St. Paul.

SEC. 7. The laws regulating the election and qualification of all District, County and Precinct officers, shall continue and be in force until the Legislature shall otherwise provide by law.

Constitution submitted to a vote of the people

SEC. 8. The President of the Convention, shall, immediately after the adjournment thereof, cause this Constitution to be deposited in the office of the Governor of the Territory, and if after the submission of the same to a vote of the people, as hereinafter provided, it shall appear that it has been adopted by a vote of the people of the State, then the Governor shall forward a certified copy of the same, together with an abstract of the votes polled for and against the said Constitution, to the President of the United States, to be by him laid before the Congress of the United States.

Representative districts

SEC. 9. For the purposes of the first election, the State shall constitute one district, and shall elect three members to the House of Representatives of the United States.

Apportionment of counties into districts

SEC. 10. For the purposes of the first election for members of State Senate and the House of Representatives, the State shall be divided into Senatorial and Representative Districts as follows, viz: 1st District, Washington county; 2d District, Ramsey county; 3d District, Dakota county; 4th District, so much of Hennepin county as lies west of the Mississippi; 5th District, Rice county; 6th District, Goodhue county; 7th District, Scott County; 8th District, Olmstead county; 9th District, Fillmore county; 10th District, Houston county; 11th District, Winona County; 12th District, Wabashaw county; 13th District, Mower and Dodge counties; 14th District, Freeborn and Faribault counties; 15th District, Steele and Waseca counties; 16th District, Blue Earth and Le Sueur counties; 17th District, Nicollet and Brown counties; 18th District, Sibley, Renville and McLeod counties; 19th District, Carver and Wright counties; 20th District, Benton, Stearns and Meeker counties; 21st District, Morrison, Crow Wing and Mille Lac counties; 22d District, Cass, Pembina and Todd counties; 23d District, so much of Hennepin county as lies east of the Mississippi; 24th District, Sherburne, Anoka, and Manomin counties; 25th District,

Chisago, Pine and Isanti counties; 26th District, Buchanan, Carlton, St. Louis, Lake and Itaska counties.

SEC. 11. The counties of Brown, Stearns, Todd, Cass, Pembina, as applied in the preceeding Section, shall not be deemed to include any Territory west of the State line, but shall be deemed to include all counties and parts of counties east of said line as were created out of the Territory of either, at the last session of the Legislature.

SEC. 12. The Senators and Representatives at the first election shall be apportioned among the several Senatorial and Representative Districts as follows, to wit:

Apportionment of members of the legislature

1st	District.....	2	Senators.....	3	Representatives.
2d	"	3	"	6	"
3d	"	2	"	5	"
4th	"	2	"	4	"
5th	"	2	"	3	"
6th	"	1	"	4	"
7th	"	1	"	3	"
8th	"	2	"	4	"
9th	"	2	"	6	"
10th	"	2	"	3	"
11th	"	2	"	4	"
12th	"	1	"	3	"
13th	"	2	"	3	"
14th	"	1	"	3	"
15th	"	1	"	4	"
16th	"	1	"	3	"
17th	"	1	"	3	"
18th	"	1	"	3	"
19th	"	1	"	3	"
20th	"	1	"	3	"
21st	"	1	"	1	"
22d	"	1	"	1	"
23d	"	1	"	2	"
24th	"	1	"	1	"
25th	"	1	"	1	"
26th	"	1	"	1	"
		37		80	

SEC. 13. The returns from the 22d District shall be made to, and canvassed by the Judges of Election at the precinct of Otter Tail City.

SEC. 14. Until the Legislature shall otherwise provide, the State shall be divided into Judicial Districts as follows, viz:

Judicial districts

"The Counties of Washington, Chisago, Manomin, Anoka, Isanti, Pine, Buchanan, Carlton, St. Louis, and Lake, shall constitute the First Judicial District.

The County of Ramsey shall constitute the Second Judicial District.

The counties of Houston, Winona, Fillmore, Olmsted, and Wabashaw, shall constitute the Third Judicial District.

The counties of Hennepin, Carver, Wright, Meeker, Sherburne, Benton, Stearns, Morrison, Crow Wing, Mille Lac, Itaska, Pembina, Todd, and Cass, shall constitute the Fourth Judicial District.

The counties of Dakota, Goodhue, Scott, Rice, Steele, Waseca, Dodge, Mower, and Freeborn, shall constitue the Fifth Judicial District.

The counties of Le Sueur, Sibley, Nicollet, Blue Earth, Faribault, McLeod, Renville, Brown, and other counties in the State, not included within the other Districts, shall constitute the Sixth Judicial District."

SEC. 15. Each of the foregoing enumerated Judicial Districts may, at the first election, elect one Prosecuting Attorney for the District.

SEC. 16. Upon the second Tuesday, the 13th day of October, 1857, an election shall be held for members of the House of Representatives of the United States, Governor, Lieutenant Governor, Supreme and District Judges, Members of the Legislature, and all other officers designated in this Constitution, and also for the submission of this Constitution to the people for their adoption or rejection. First election

SEC. 17. Upon the day so designated as aforesaid, every free white male inhabitant over the age of twenty-one years, who shall have resided within the limits of the State for ten days previous to the day of said election, may vote for all officers to be elected under this Constitution at such election, and also for or against the adoption of this Constitution. Voters at the first election

SEC. 18. In voting for or against the adoption of this Constitution, the words "for Constitution," or "against Constitution," may be written or printed on the ticket of each voter, but no voter shall vote for or against this Constitution on a separate ballot from that cast by him for officers to be elected at said election under this Constitution; and if, upon the canvass of the votes so polled it shall appear that there was a greater number of votes polled for than against said Constitution, then this Constitution shall be deemed to be adopted as the Constitution of the State of Minnesota; and all the provisions and obligations of this Constitution, and of the Schedule hereunto attached, shall thereafter be valid to all intents and purposes as the Constitution of said State. Vote on the constitution

SEC. 19. At said election the polls shall be opened, the election held, returns made and certificates issued in all respects as provided by law for opening, closing and conducting elections and making returns of the same, except as hereinbefore specified, and excepting also that polls may be opened and elections held at any point or points, in any of the counties where precincts may be established as provided by law, ten days previous to the day of election, not less than ten miles from the place of voting in any established precinct. Election how conducted

SEC. 20. It shall be the duty of the Judges and Clerks of Election, in addition to the returns required by law for each precinct, to forward to the Secretary of the Territory by mail immediately after the close of the election, a certified copy of the poll book containing the name of each person who has voted in the precinct and the number of votes polled for and against the adoption of this Constitution.

Returns of election how made

SEC. 21. The returns of said election for and against this Constitution, and for all State officers and members of the House of Representatives of the United States, shall be made and certificates issued in the manner now prescribed by law for returning votes given for Delegate to Congress, and the returns for all District officers, Judicial, Legislative or otherwise, shall be made to the Register of Deeds of the senior county in each District, in the manner prescribed by law, except as otherwise provided. The returns for all officers elected at large shall be canvassed by the Governor of the Territory, assisted by Joseph R. Brown and Thomas J. Galbraith, at the time designated by law for canvassing the vote for Delegate to Congress.

SEC. 22. If upon canvassing the votes for and against the adoption of this Constitution, it shall appear that there has been polled a greater number of votes against than for it, then no certificate of election shall be issued for any State or District officer provided for in this Constitution, and no State organization shall have validity within the limits of the Territory until otherwise provided for, and until a Constitution for a State Government shall have been adopted by the people.

AMENDMENT TO SECTION TEN, ARTICLE NINE OF THE CONSTITUTION.

Be it enacted by the Legislature of the State of Minnesota.

SECTION 10. The credit of this State shall never be given or loaned in aid of any individual, association or corporation, except that for the purpose of expediting the construction of the lines of Railroads, in aid of which the Congress of the United States has granted lands to the Territory of Minnesota, the Governor shall cause to be issued and delivered to each of the Companies in which said grants are vested by the Legislative Assembly of Minnesota, the special bonds of the State, bearing an interest of seven per cent. per annum, payable semi-annually in the City of New York, as a loan of public credit, to an amount not exceeding twelve hundred and fifty thousand dollars, or an aggregate amount to all of said Companies not exceeding five millions of dollars, in manner following, to wit:

Loan of State credit for railroad purposes

Whenever either of the said Companies shall produce to the Governor satisfactory evidence, verified by the affidavits of the Chief Engineer, Treasurer and two Directors of said Company, that any ten miles of the road of said Company, has been actually constructed and completed, ready for placing the superstructure thereon, the Governor shall cause to be issued and delivered to such Company, bonds to the amount of one hundred thousand dollars; and whenever thereafter, and as often as either of said Companies shall produce to the Governor, like evidence of a further construction of ten miles of its road, as aforesaid, then the Governor shall cause to be issued to such Company further like bonds to the amount of one hundred thousand dollars for each and every ten miles of road thus constructed; and whenever such Company shall furnish like evidence that any ten miles of its road is actually completed and cars running thereon, the Governor shall cause to be issued to such Company like bonds to the amount of one hundred thousand dollars; and whenever thereafter, and as often as either of said Companies shall produce to the Governor like evidence that any further ten miles of said road is in operation as aforesaid, the Governor shall cause to be issued to such Company further like bonds to the amount of one hundred thousand dollars until the full amount of the bonds hereby authorized shall be issued: *Provided*, That two-fifths, and no more, of all bonds issued to the Southern Minnesota Railroad Company, shall be expended in the construction and equipment of the line of road from La Crescent to the point of junction with the Tran-

Manner of issuing bonds

Special provisions

sit Road, as provided by law. And further provided, that the Minneapolis and Cedar Valley Railroad Company shall commence the construction of their road at Farribault and Minneapolis, and shall grade an equal number of miles from each of said places.

Responsibility of State

The said bonds thus issued shall be denominated "Minnesota State Railroad Bonds," and the faith and credit of this State are hereby pledged for the payment of the interest and the redemption of the principal thereof. They shall be signed by the Governor, countersigned and registered by the Treasurer, sealed with the seal of the State, of denominations, not exceeding one thousand dollars, payable to the order of the company to whom issued, transferrable by the endorsement of the President of the said Company, and redeemable at any time after ten and before the expiration of twenty-five years from the date thereof. Within thirty days after the Governor shall proclaim that the people have voted for a loan of State Credit to Railroads, any of said Companies proposing to avail themselves of the loan herein provided for, and to accept the conditions of the same, shall notify the Governor thereof, and shall, within sixty days, commence the construction of their roads, and shall, within two years thereafter, construct ready for the superstructure, at least fifty (50) miles of their road. Each company shall make provision for the punctual payment and redemption of all bonds issued and delivered as aforesaid, to said Company, and for the punctual payment of the interest which shall accrue thereon, in such manner as to exonerate the Treasury of this State from any advances of money for that purpose; and as security therefor, the Governor shall demand and receive from each of said Companies, before any of said bonds are issued, an instrument pledging the net profits of its road, for the payment of said interest, and a conveyance to the State of the first two hundred and forty sections of land, free from prior incumbrances, which such Company is or may be authorized to sell in trust for the better security of the Treasury of the State from loss on said bonds, which said deed of trust shall authorize the Governor and Secretary of State to make conveyances of title to all or any of such lands, to purchasers agreeing with the respective Railroad Companies therefor. *Provided*, That before releasing the interest of the State to such lands, such sale shall be approved by the Governor, but the proceeds of all such sales shall be applied to the payment of interest accruing upon the bonds in case of default of the payment of the same, and as a sinking fund to meet any future default in the payment of interest and the principal thereof when due; and as further security, an amount of first mortgage bonds on the roads, lands and franchises of the respective Companies, corresponding to the State bonds issued, shall be transferred to the Treasurer of the State at the time of the issue of State bonds, and in case either of

Conditions of loan

said Companies shall make default in payment of either the interest or principal of the bonds issued to said Companies by the Governor, no more State bonds shall thereafter be issued to said Company, and the Governor shall proceed in such manner as may be prescribed by law, to sell the bonds of the defaulting Company or Companies, or the lands held in trust as above, or may require a foreclosure of the mortgage executed to secure the same: *Provided*, That if any company so in default, before the day of sale, shall pay all interest and principal then due, and all expenses incurred by the State, no sale shall take place, and the right of said company shall not be impaired to a further loan of State credit: *Provided*, If any of said companies shall at any time offer to pay the principal, together with the interest that may then be due upon any of the Minnesota State Railroad Bonds, which may have been issued under the provisions of this Section, then the Treasurer of State shall receive the same; and the liabilities of said company or companies, in respect to said bonds shall cease upon such payment into the State Treasury, of principal, together with the interest as aforesaid: *Provided further*, That in consideration of the loan of State credit herein provided, that the company or companies which may accept the bonds of the State in the manner herein specified, shall, as a condition thereof, each complete not less than fifty miles of its road on or before the expiration of the year 1861, and not less than one hundred miles before the year 1864, and complete four-fifths of the entire length of its road before the year 1866, and any failure on the part of any such c mpany to complete the number of miles of its road or roads, in the manner and within the several times herein prescribed, shall forfeit to the State, all the right, title and interest of any kind whatsoever in and to any lands, together with the franchises connected with the same not pertaining or applicable to the portion of the road by them constructed, and a fee simple to which has not accrued to either of said companies, by reason of such construction, which was granted to the company or companies, thus failing to comply with the provisions hereof, by act of the Legislature of the Territory of Minnesota, vesting said land in said companies respectively.

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ANALYSIS OF AMENDMENT TO ART. 9 SEC. 10, ADOPTED APRIL 15, 1858.

407	*Bonds*, special, of State, to be issued to each company as a loan of credit, $1,250,000 to each. Aggregate $5,000,000. To bear interest at seven per cent. per annum, payable semiannually in New York city. How issued. Evidence that any ten miles have been completed ready for superstructure, satisfactory to Governor to entitle road to receive $100,000 in bonds. Same for every ten miles. Every ten miles completed and cars running thereon, company entitled to additional $100,000 of bonds, &c., until full amount are issued. Two-fifths of bonds issued to S. M. R. R. Co., to be expended on line of road from La Crescent to junction with Transit Roads. Bonds to be denominated "Minnesota State Railroad Bonds." Faith and credit of State pledged for payment of interest and redemption of principal of said bonds. To be signed by Governor. Countersigned and registered by Treasurer under the seal of the State. Not to exceed $1000 each. Payable to order of company to whom issued and transferable by endorsement of President of company to which issued. Redeemable after ten and before expiration of twenty-five years from their date.	9	10
	Bonds, of Railroads, see title (*Security*) below. - - -		
408	*Completion of Road*, Each company to complete not less than fifty miles by expiration of 1861. Not less than one hundred by expiration of 1861, and full four-fifths of each entire road before 1866. A failure to complete road as aforesaid to work forfeiture of lands, francises &c. to State. - - - - - -	9	10
408	*Construction*, Minnesota and Cedar Valley R. R. Company to commence at Faribault and Minneapolis and to grade equal distances. To be commenced by each company within sixty days, after proclamation by Governor that the people have voted for loan &c. Fifty miles to be ready for superstructure in two years thereafter on each road. - - - - - - - -	9	10
407	*Credit*, of State not to be loaned to individuals or corporations, *except* to expedite construction of Land Grant Rail Roads, in which lands granted by Congress have been vested by Legislative assembly of Minnesota. - - - - - - - -	9	10

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408	*Loan, conditions of*, Companies to notify Governor of acceptance of loan, within thirty days after proclamation by the Governor that the people have voted for said loan, &c. - - -	9	10
409	*Payment*, Each company to provide for payment of interest and principal of bonds as the same shall accrue, so as to exonerate the State Treasury from any advances of money. - - -	9	10
409	*Security*, 1. Net profits of each road for payment of interest on bonds issued by the State. - - - - - -	9	10
	2. A conveyance of the first two hundred and forty sections of land, free from any incumbrance to save the State from loss on State bonds, which shall authorize the Governor and Secretary of the State to convey title to purchasers from the companies; *Proviso*, The Governor shall approve of said sale before releasing interest of State to said land. Proceeds of sale to be applied to payment, in case of default, and as a sinking fund for payment of principal when due, if unpaid. - - - - - - -	9	10
	3. First mortgage bonds on the roads, lands and franchises of the companies, in an equal amount to the State bonds issued, to be transferred to State Treasurer. In default of payment of principal and interest of State bonds by either company, no more State bonds shall be issued to such company, and bonds of company may be sold by Governor; but if company, before day of sale, pay principal and interest, no sale shall take place. - -	9	10

SPECIAL LAWS

OF THE

STATE OF MINNESOTA;

PASSED AND APPROVED DURING THE

FIRST SESSION OF THE STATE LEGISLATURE,

COMMENCING DECEMBER THIRD, ONE THOUSAND EIGHT HUNDRED AND FIFTY-SEVEN, AND TERMINATING AUGUST TWELVE, ONE THOUSAND EIGHT HUNDRED AND FIFTY-EIGHT.

THREE THOUSAND COPIES ORDERED PRINTED.

SAINT PAUL:
EARLE S. GOODRICH, STATE PRINTER,
PIONEER AND DEMOCRAT OFFICE.
1858.

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24 When purchasers may redeem.
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Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.—CITY AND WARD BOUNDARIES.

SECTION 1. All the district of country in the County of Ramsey contained within the limits and boundaries hereinafter described, shall be a City by the name of "Saint Paul," and the people now inhabiting, and those who shall hereafter

Name and Powers.

inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of "Saint Paul;" and by that name shall sue and be sued, complain and defend in any Court, make and use a common Seal, and alter it at pleasure; and take, hold and purchase, lease and convey such real and personal or mixed estate, as the purposes of the corporation may require within or without the limits aforesaid, shall be capable of contracting and being contracted with; and shall have the general powers possessed by municipal corporations at Common Law, and in addition thereto shall possess the powers hereinafter specifically granted; and the authorities thereof shall have perpetual succession.

City bonndaries.

SEC. 2. The district of country aforesaid constituting the City of "Saint Paul," and the limits and boundaries thereof shall be as follows: All of Sections number thirty-one (31), and thirty-two (32), in township number twenty-nine (29), north of range number twenty-two (22) west; all of section number thirty-six (36), in township number twenty-nine (29), north of range number twenty-three (23) west; all of section nnmber one (1,) in township number twenty-eight (28), north of range number twenty-three (23) west; and so much of section number twelve (12), in said last named township, and so much of sections number five (5), and six (6), in township number twenty-eight (28), north of range number twenty-two (22) west, as lie north of the middle of the Mississippi River, including the Islands therein, to wit: Ames, Boal and Lamb's Islands, Raspberry, Barns and Harriet Islands, being bounded on the north by the north lines of said sections thirty-six (36), thirty-one (31), and thirty-two (32); on the east by the east line of said section thirty-two (32), and so much of the east line of said section five (5), as lies north of the middle of the Mississippi River, on the south by the middle of the Mississippi River, and on the west by the west lines of said sections thirty-six (36), and one (1), and of said section twelve (12), continued to the middle of said Mississippi River, including all of the Islands aforesaid.

Wards—their limits and bounds.

SEC. 3. The said city shall be divided into four Wards, called the First, Second, Third and Fourth, limited and bounded as follows:

All the district of country and territory east of the middle of Jackson Street, and its extension from the middle of the Mississippi River to the north line of said city shall be the First Ward:

All the district of country and territory between the west line of the First Ward, and the middle of Wabashaw Street, and its extension from the middle of the Mississippi River to the north line of said city, shall be the Second Ward.

All the district of country and territory between the west line of the Second Ward, and a line commencing in the mid-

dle of Mississippi River where the middle of Eagle Street extended would strike the same; thence running northerly along the middle of Eagle Street to its intersection with St. Anthony Street; thence running north-westerly along the middle of St. Anthony to its intersection with Dayton Avenue; thence running north-easterly along the middle of Dayton Avenue to its intersection with the south-east corner of section (36), in town 29, range 23, thence north along the east line of said section, to the westerly line of the Second Ward, shall be the Third Ward.

The Fourth Ward shall comprise all the district of country and territory lying west of the west line of the Third Ward: *Provided*, That Ames', Boal and Lamb's Islands shall be in the First Ward, Raspberry in the Second, and Barns and Harriet Islands in the Third Ward:

SEC. 4. Three Aldermen shall be elected in the said Fourth Ward as provided in the other Wards of said city; and at the next annual election of said city, there shall be elected three Aldermen in said Ward, one for the term of one year, one for the term of two years, and one for the term of three years, and at each annual election thereafter, there shall be elected one Alderman in said Ward, for the term of three years, and where other officers are elected or appointed from the other Wards respectively, the like officers shall be elected or appointed in the same manner from the said Fourth Ward, and until such Aldermen or other officers are elected or appointed in said Fourth Ward; the Aldermen and officers elected or appointed from the Third Ward shall act for and represent the Fourth Ward, and the present Aldermen and officers elected and appointed from and to represent the First, Second and Third Wards, as heretofore limited, shall continue in office and act for and represent said last named Wards within the limits thereof, fixed by this Chapter, until their term of office expire: *Provided*, That if either of the Aldermen now representing the Third Ward, shall, upon the division of Wards as provided in this Chapter, be residents within the limits of the said Fourth Ward, then such Aldermen shall represent the said Fourth Ward for the balance of the term for which they were elected in said Third Ward, and the said Third Ward may elect Aldermen to fill the vacancies occasioned thereby.

Election of Aldermen.

CHAPTER II.—ELECTIONS.

SEC. 1. There shall be an annual election for elective officers hereinafter provided, held on the first Tuesday in May of each year, at such place in each Ward as the Common Council shall designate; and the polls shall be kept open from nine o'clock in the forenoon until five in the afternoon, and ten days previous, notice shall be given by the Common Council of the time and place of holding such election, and of the officers to be elected.

Annual election.

Elective officers and their duties.

SEC. 2. The elective officers of said city shall be a Mayor, Treasurer, Comptroller, and Justice of the Peace for the city, who shall be styled City Justice, all of which said officers shall be residents within, and qualified voters of said city; each Ward shall elect three Aldermen, who shall be residents within, and qualified voters of the Ward for which they may be elected; all other officers necessary for the proper management of the affairs of said city shall be appointed by the Common Council unless otherwise provided.

At every annual election there shall be elected one Aldermen for each Ward, who shall hold his office for three years. The City Justice shall hold his office for two years and until his successor is elected and qualified. All other elective officers shall hold their respective offices for one year, and until their successors are elected and qualified.

Removal of officers

SEC. 3. Every person appointed to any office by the Common Council, or elected to any office by the people, may be removed from such office by a vote of two-thirds of all the Aldermen authorized to be elected. But no officer elected by the people shall be removed except for cause, nor unless first furnished with or notified of the charges, nor until such person shall have had a reasonable opportunity to be heard in his defense. The Common Council shall fix a time and place for the trial of such officer, of which not less than ten days notice shall be given, and to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall neglect to appear and answer to such charge, the Common Council may declare the office vacant.

Vacancies—how filled

SEC. 4. Whenever a vacancy shall occur in the office of Mayor or Alderman, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur, and reasonable notice of such election shall be given. Any vacancy happening in any other office shall be filled by the Common Council. The person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Elections—how conducted

SEC. 5. All elections by the people shall be by ballot, and each ballot shall contain all the names of the persons voted for, with a proper designation of the office written or printed thereon, and a plurality of votes shall constitute an election. When two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the Common Council, at such time and in such manner as they shall direct.

Persons entitled to vote

SEC. 6. All persons entitled to vote for State and County officers and who shall have resided for ten days next preceding the election in the Ward where they offer their vote, shall

be entitled to vote for any officer to be elected under this law and to hold any office hereby created; and the different Wards established by law, and such precincts as may be hereafter established shall constitute the election precincts for State and County, as well as city elections; and the mode of conducting all State and County elections in said city shall be in the manner herein provided in reference to city elections, except that the returns thereof shall be made by the Judges of election to the Register of Deeds of the county of Ramsey within the time and in the manner prescribed by law.

Aldermen to be inspectors of election

SEC. 7. The elections in said city shall be held and conducted by the Aldermen of each Ward, until such Wards shall be divided into precincts as hereinafter provided, who shall be the inspectors of elections, and shall take the usual oaths or affirmations as prescribed by the general laws of this State to be taken by the Judges and Inspectors of elections, and shall have the power to appoint Clerks of such elections, and to administer the necessary oaths. Said elections shall be held and conducted in the manner and under the same penalties, and vacancies in the Board of Inspectors thereof filled as required by the laws of this State regarding elections; *Provided*, That no Inspector or Clerk of an election shall be eligible to any office voted for at such election.

Illegal voting—how punished

SEC. 8. If either of the Inspectors of election shall suspect that any person offering to vote does not possess the qualifications necessary for an elector, or if the vote of such person be challenged by a qualified voter of the ward, the Inspector, before receiving the vote of any such person shall require him to take the following oath: You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age; that you are a citizen of the United States (or have declared your intention to become a citizen conformably to the laws of the United States on the subject of Naturalization); that you have resided within this State four months, and within this ward or precinct ten days next preceding the election; that you have not voted at this election; and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager depending on the result of this election. And if the person offering to vote shall take such oath his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of wilful and corrupt perjury, and upon conviction thereof upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one in which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof shall forfeit and pay a sum not exceeding one hundred dollars or less than twenty-five dollars. It shall be the duty of the Inspectors to keep

a list of the names of all persons whose votes may be challenged as aforesaid and who shall make the oath aforesaid; and if any Inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or any Clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such Inspector and Clerk shall be liable to indictment, and on conviction thereof shall severally forfeit and pay a sum not exceeding five hundred dollars nor less than one hundred dollars. All such indictments shall be tried in the District Court of the County of Ramsey.

Election returns

SEC. 9. When an election shall be closed and the number of votes for each candidate or person voted for shall be counted and ascertained, the said Inspectors shall make returns thereof, stating therein the number of votes for each person for each and every office, and shall deliver or cause to be delivered such returns to the Clerk of the Common Council, who shall forthwith give notice to each of the Aldermen of their respective elections. Within one week after any election, the Common Council shall meet and canvass said returns and declare the result as it appears from the same.

Special elections

SEC. 10. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the Aldermen of each ward (until such wards shall be divided into precincts as hereinafter provided) in the same manner and the returns thereof shall be made in the same form and manner as general and annual elections, and within such time as may be prescribed by resolution.

Refusal to serve

SEC. 11. Any officer removing from the city or ward for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the Common Council shall proceed to fill the vacancy as herein prescribed.

Term of office

SEC. 12. The term of every officer elected under the law, shall commence on the second Tuesday of May of the year for which he was elected, and shall, unless otherwise provided, continue for one year, and until his successor is elected and qualified.

New election in certain cases

SEC. 13. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the Common Council may order a new election to be held, ten days notice of the time and place of holding the election being first given.

The council may divide wards

SEC. 14. The Common Council shall have power, by a two-third vote of all the Aldermen, to divide any ward into two or more election precincts and to prescribe the limits and boundaries thereof, and establish the poll or place of holding elections therein, as now provided for the different wards; *Provided*, If any ward shall be so divided into pre-

cincts, the officers conducting such elections shall be established and appointed by the Common Council in lieu of the Aldermen, as at present provided, and that the elections in such precincts shall be conducted by the same number of officers in each precinct and in all respects, and the returns thereof made in the same manner as in the several wards as now provided.

CHAPTER III.—Officers, their Powers and Duties.

Sec. 1. Every person elected or appointed to any office under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the Clerk of the city, and the Treasurer, Clerk, Comptroller, Wharf Master, Street Commissioners, Collectors and such other officers as the Common Council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of St. Paul, a bond with at least two sureties, who shall make affidavit that they are each worth the penalty specified in said bonds over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum, and such conditions as the Common Council may deem proper; and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Oath of office and bonds required

Sec. 2. The Mayor shall take care that the laws of the State and the ordinances of the city, are duly observed and enforced, and that all other executives officers of the city discharge their respective duties. He shall from time to time give the Common Council such information and recommend such measures as he may deem advantageous to the city. The Mayor shall be chief executive officer and head of the police of the city, and shall appoint all police officers and watchmen; and in case of a riot or other disturbances, he may appoint as many special or temporary Constables as he may deem necessary, and any Police officer or Watchman appointed by the Mayor as aforesaid, may be discharged from office by him, whenever in his opinion the welfare of the city may demand it, or a reduction of their number render it necessary.

Relating to the Mayor and his powers

All ordinances and resolutions shall, before they take effect, be presented to the Mayor, and if he approve thereof, he shall sign the same, and such as he shall not sign he shall return to the Common Council with his objections thereto, by depositing the same with the City Clerk to be presented to the Common Council at their next meeting thereafter; upon the return of any ordinance or resolution by the Mayor, the vote by which the same was passed shall be reconsidered, and if after such reconsideration the Common Council shall pass the same by a vote of two-thirds, it shall have the same

effect as if approved by the Mayor, and in such case the vote shall be by ayes and nays, which shall be enterered by the City Clerk of Records. If any ordinance or resolution shall not be returned by the Mayor within five days (Sundays excepted,) after it shall have been presented to him, the same shall have the same effect as if approved by him.

Officers of the council

SEC. 3. At the first meeting of the Common Council in each year, they shall proceed to elect by ballot from their number, a President and Vice President. The President shall preside over the meetings of the Common Council, and during the absence of the Mayor from the city, or his inability from any reason to discharge the duties of his office, the said President shall exercise all the powers and discharge all the duties of the Mayor. In case the President shall be absent at any meeting of the Common Council, the Vice President shall act as presiding officer for the time being, and shall discharge the duties of such President and act in his place. The President or temporary presiding officer, while presiding over the Common Council or performing the duties of Mayor, shall be styled Acting Mayor, and acts performed by either when acting as Mayor as aforesaid, shall have the same force and validity as if performed by the Mayor. The Mayor and Aldermen of said city, shall have the right to administer oaths and affirmations, take acknowledgements of deeds and do and perform generally all acts which may be done or performed by Notaries Public under the laws of this State.

City clerk and his duties

SEC. 4. There shall be a Clerk of said city styled the City Clerk, who shall be elected by the Common Council and hold his office at the City Hall. He shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the Common Council, at whose meetings it shall be his duty to attend; copies of all papers filed in his office and transcripts, from the records of the Common Council, certified by him under the corporate seal, shall be evidence in all courts as if the original were produced. He shall draw and countersign all orders on the Treasurer in pursuance of any order or resolution of the Common Council, and keep a full and accurate account thereof in books provided for that purpose. The Clerk shall have power to administer oaths and affirmations, and take the acknowledgement of deeds and other writings.

City attorney to be chosen by the council

SEC. 5. The Common Council shall have power to elect an Attorney for the City, who shall perform all professional services incident to the office, and when required shall furnish opinions upon any subject submitted to him by the Common Council or its Committees.

Duties of the treasurer

SEC. 6. The Treasurer shall receive all moneys belonging to the City, including license money and fines, and keep an accurate and detailed account thereof, in such manner as the Common Council shall from time to time direct. The Treas-

urer shall exhibit to the Common Council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all receipts and expenditures, after the date of the last annual report, and also of the state of the treasury, which account shall be filed with the Clerk, and a copy of the same shall be published in all the daily papers of the City.

Chief of police and his duties

SEC. 7. There shall be a Chief of Police of said City, who shall be appointed by the Mayor as other police officers, and who shall perform such duties as shall be prescribed by the Common Council for the preservation of the public peace. All police officers and watchmen of said City shall possess the powers of Constables at Common Law or by the laws of this State, and it shall be their duty to execute and serve all warrants, process, commitments and all writs whatever issued by the City Justice for any violation of the laws of the State of Minnesota, or of the ordinances or by-laws of said City; and they shall have power to pursue and arrest any person fleeing from justice in any part of this State, and when performing the duties of Constables as aforesaid, shall be entitled to like fees.

Wharf Master and his duties

SEC. 8. The Common Council shall have power to establish and to elect a Wharf Master with powers of a police officer, whose duty it shall be to collect all wharf dues and enforce all ordinances in relation to the harbour landings belonging to or under the control of the City and the levee within the City limits, and who shall perform such other duties as the Common Council may ordain.

Street commissioners and their duties

SEC. 9. The Aldermen in each ward shall, at the first meeting of the Council after each annual election, select one of their number a Street Commissioner of such ward, who shall hold his office for one year; and the Aldermen of each ward shall have power to fill any vacancy in such office of Street Commissioner as often as the same may occur. It shall be the duty of the Street Commissioners so selected, to superintend all local improvements in their respective wards, and carry into effect all orders of the Common Council in relation thereto and perform such other duties as may be herein prescribed or ordained by the Common Council. They shall keep accurate accounts of all expenditures incurred by them and render monthly accounts thereof to the Common Council, or oftener, if required.

Relating to assessors

SEC. 10. The Common Council shall on or before the first day of March, in each year, elect one Assessor in each ward who shall perform all the duties in relation to the assessing of property for the purpose of levying the taxes imposed by the Common Council. On completing their assessment rolls, they shall meet together and revise, correct and equalize the same, and return the same to the Common Council in such manner as may be herein prescribed—and shall hold their office for the term of one year, and until their successors are elected and qualified.

SEC. 11. The Justice of the Peace for the City shall possess all the authority, powers and rights of a Justice of the Peace of the County of Ramsey, under the laws of the State, and shall have in addition thereto, sole, exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the City, cognizable before a Justice of the Peace; but warrants returnable before said Justice, may be issued in criminal cases, by any other Justice in the City, but no fee shall be received therefor by said Justice.

Justice of the peace and his duties

The said Justice shall have exclusive jurisdiction in all cases cognizable before a Justice of the Peace in which the City is a party, and shall have cognizance and exclusive jurisdiction of all suits, prosecutions or proceedings for the recovery of any fine, forfeiture or penalty, under any by-law, ordinance or regulation of the said City of St. Paul, or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offences committed against the same.

All prosecutions for assaults, batteries and affrays, not indictable and for a breach or violation of any such by-law, ordinance or regulation, shall be commenced in the name of the City of St. Paul, and the same proceedings shall be had in all civil and criminal suits before said Justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this State before a Justice of the Peace.

Provided, That in case of prosecutions for a breach or violation of an ordinance, by-law, or regulation of said City or its charter or for an assault, battery or affray, not indictable, committed within the City limits, no appeal shall be allowed where the judgement or fine imposed, exclusive of costs, is less than ten dollars.

In all cases of convictions for assaults, batteries, and affrays, within said City, and in all cases of conviction under any ordinance of said city, for breach of the peace, disorderly conduct, keeping houses of ill-fame or frequenting the same, and of keeping or maintaining disorderly and ill-governed houses; the said Justice shall have power, in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars.

Powers of the justice

The said Justice shall have the same power and authority in case of contempt as a court of record, *Provided*, That nothing herein contained shall be deemed to divert the district Judges of their authority as conservators of the public peace, nor to effect in any manner the jurisdiction or powers of the district courts or supreme court of this State. In case of the absence, sickness, or other inability of such Justice, or for any sufficient reason the Mayor by warrant may

authorize any other Justice of the Peace within said City to perform the duties of said Justice of the Peace for the City, and it shall thereupon be the duty of the Mayor to inform the City Attorney and Chief of Police of such substitution and make report thereof to the Common Council, and they may confirm or set aside such appointment or appoint some other Justice of the Peace, and the Justice of the peace so appointed shall, for the time being, possess all the authority, powers and rights of said City Justice. All fines and penalties imposed by the City Justice for offences committed within the City limits, or for violations of any ordinance, by-law or regulation of said City shall belong to, and be a part of the finances of said City.

The city justice required to report.

SEC. 12. The City Justice shall, as often as the Common Council may require, report to the Common Council all the proceedings instituted before him in which the city is interested, and shall at the same time account for and pay over to the City Treasurer all fines and penalties collected by him belonging to said city; and said Justice shall be entitled to receive from the county of Ramsey such fees in criminal cases as are allowed to other justices in the county for similar services.

Duties of the comptroller.

SEC. 13. It shall be the duty of the City Comptroller to report to the Common Council the financial condition of the city and each of the wards. He shall make a list of all outstanding city bonds: to whom issued: for what purposes: when and where payable, and the rate of interest they may respectfully bear; and recommend such action to the Common Council as will secure the punctual payment of the principal and interest of such bonds.

Comptroller shall report to council.

SEC. 14. He shall report annually, on or about the first day of May, to the Common Council, an estimate of the expenses of the city and the several wards, and likewise the revenue necessary to be raised for the current year; and the fiscal year shall commence on the first day of May.

He shall make estimates of city expenses

SEC. 15. He shall make, or cause to be made, estimates of the expenses of any work to be done by the city, and countersign all contracts made in behalf of the city and certificates of work by any committee of the Common Council or by any city officer.

Required to keep books of account

SEC. 16. It shall be the duty of the Comptroller to keep regular books of account, in which he shall enter all indebtedness of the city or either of the wards, and which shall at all times show the precise financial condition of the city and the several wards: the amount of bonds, orders, certificates or other evidences of indebtedness issued by the Common Council or the Street Commissioners: the amount of all bonds, orders, certificates, etc. which have been redeemed, and the amount of each outstanding; to countersign all bonds, orders or other evidences of indebtedness of the city or either of the wards: and to keep an exact account thereof, stating to

whom and for what purposes issued and the amount thereof; to keep accounts with all the receiving and disbursing officers of the city: showing the amount which they have received from all the different sources of revenue, and the amount which they have disbursed under the direction of the Common Council.

Other duties required

SEC. 17. He shall keep a list of all certificates issued in each ward, and, before the levy by the Council of the special tax, shall report to the Council a schedule of all the lots or parcels of land within the several wards which under this act may be subject to any special tax or assessment, and also the amount of such special tax or assessment which it may be necessary to levy on such lot or parcel of land: which said schedule shall be verified by the affidavit of the Comptroller, and shall be *prima facia* evidence of the facts therein stated in all cases wherein the validity of such special tax or assessment shall come in question. The Common Council shall, if from such report they deem such special tax legal and just, cause the same to be levied in pursuance of the provisions of this act.

Further duties

SEC. 18. If on or before the first day of January of any year the amount expended or to be expended, chargeable to any of the wards or city funds, (adding thereto the current expenses estimated for the remainder of the fiscal year and chargeable to such fund), shall be equal to three-fourths of the tax authorized to be raised, or revenue estimated for such fund, he shall at once report the same to the Common Council; and he shall not countersign any contracts chargeable to such fund until the amount of taxes actually collected be ascertained; and, during the remainder of the fiscal year, he shall not countersign any contract the expenses of which shall exceed revenue actually collected for the fund to which such expenses are properly chargeable.

Further duties

SEC. 19. He shall examine the reports, books, papers, vouchers, and the accounts of the Treasurer, and from time to time shall perform such other duties as the Common Council may direct.

All orders to be examined by him

SEC. 20. All claims and demands against the city, before they are allowed by the Common Council, shall be audited and adjusted by the Comptroller, and all orders on the Treasurer shall be examined and countersigned by him before they are delivered by the City Clerk.

Further duties of the comptroller

SEC. 21. The Comptroller shall keep a record of all his acts and doings, and keep a book in which he shall enter all contracts, with an index thereto; such records shall be open to inspection of all parties interested. He shall not be directly or indirectly interested in any contract or job to which the city or either of the wards is a party.

City surveyor and his duties

SEC. 22. There shall be elected by the Common Council a City Surveyor, who shall be a practical surveyor and engineer. He shall keep his office at some convenient place in

said city, and the Common Council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plan or estimates, made by him for the city or either of the wards, shall be the property of the said city, and shall be carefully preserved in the office of the Surveyor, open to the inspection of parties interested; and the same, together with all books and papers appertaining to said office, shall be delivered over by the Surveyor, at the expiration of his term of office, to his successor or the Common Council.

The council to elect a city printer

Sec. 23. The Common Council, at their first meeting in each year or as soon thereafter as may be, shall designate one newspaper printed in said city, in which shall be published all ordinances, and other proceedings and matters required by this act or by the by-laws or ordinances of the Common Council to be published in a public newspaper.

Duties of the city printer

Sec. 24. The city printer or printers, immediately after the publication of any notice, ordinance or resolution, which by this act is required to be published, shall file with the Clerk of the city, a copy of such publication, with his or their affidavit or the affidavit of his or their foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance or resolution.

Requiring all officers to deliver to their successor property, books, &c

Sec. 25. If any person, having been an officer in said city, shall not within ten days after notification and request, deliver to his successor in office, all property books, papers and effects, of every description, in his possession, belonging to said city, or pertaining to the office he may have held, he shall forfeit and pay to the use of the city, one thousand dollars, besides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects, in the manner prescribed by the laws of this State.

Aldermen shall not be parties to contracts

Sec. 26. No alderman shall be a party to or interested in any job or contract with the city, or any of the Wards, and any contract in which any Alderman may be so interested, shall be null and void; and in case any money shall have been paid on any such contract, the Common Council may sue for and recover the amount so paid from the parties to such contract, and the Alderman interested in the same.

Officers of the peace

Sec. 27. The Mayor or acting Mayor, Sheriff of Ramsey county, Coroner, and each Alderman, all Justices of the Peace, police officers and watchmen, shall be officers of the peace, and may command the peace, suppress in a summary manner, all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if need be, of all citizens and military companies; and if any person, bystander, military officer or private, shall refuse to aid in maintaining the peace when so required, every such person shall forfeit and pay a fine of fifty

dollars; and in cases where the civil power may be required to suppress riots or disorderly behavior, the superior or senior officer present, in the order mentioned in this section shall direct the proceedings.

Council to impose further duties on officers

Sec. 28. The Common Council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this act, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties unless herein otherwise provided for, but no officer elected or appointed by the Common Council, or appointed by the Mayor as hereinbefore provided, shall be appointed for a longer term than one year, and until his successor is elected or appointed and duly qualified.

The Common Council shall also have the power, unless herein otherwise provided, to fix the compensation of all officers elected or appointed under this act; such compensation shall be fixed by resolution, at the time the office is created or at the commencement of the year, and shall not be increased or diminished during the term such officer shall remain in office.

CHAPTER IV.—The Common Council: Its General Powers and Duties.

Style of ordinances

Section 1. The Aldermen shall constitute the Common Council, and the style of all ordinances shall be: "The Common Council of the City of St. Paul do ordain," &c. The Common Council shall meet at such time and place as they by resolution may direct. A majority of the Aldermen shall constitute a quorum.

Stated and special meetings

Sec. 2. The Common Council shall hold stated meetings, and the Mayor may call special meetings by notice to each of the members, to be delivered personally or left at their usual place of abode. The Common Council shall be the Judge of the election and qualifications of its own members, and in such case shall have the power to send for persons and papers, and shall also determine the rules of its own proceedings and have power to compel the attendance of absent members.

Powers of the council

Sec. 3. The Common Council shall have the management and control of the finances, and all the property of the city, and shall likewise, in addition to the power herein vested in them, have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, amend and repeal all such ordinances, rules and by-laws for the government and good order of the city, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient; they shall have power to establish and maintain a city prison and watch houses for the imprisonment, custody, and safe-keeping of all persons arrested for

or charged with any offence whatever, in any way cognizable before the City Justice, to make all rules and regulations for the government and management of such prison and watch-houses, to appoint keepers and other officers for the same and prescribe their duties and fix the compensation; the keepers of said prison and watch-houses shall have and possess all the powers and authority of jailors at the common law or by the laws of this State. The Common Council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any ordinance, rule or by-law passed and ordained by them; and all such ordinances, rules and by-laws are hereby declared to be and have the force of law: *Provided*, That they be not repugnant to the Constitution and laws of the United States or of this State; and for these purposes shall have authority by ordinances, resolutions or by-laws:—

Powers of the council

First. To license and regulate the exhibitions of common showmen and shows of all kinds, or the exhibitions of caravans, circuses, concerts or theatrical performances, billiard tables, nine or ten-pin alleys, bowling saloons, to grant licences and regulate auctions and auctioneers, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous or fermented liquors: *Provided*, That the license for so dealing in, or vending spirituous or fermented liquors, shall not be less than fifty dollars a year, that no license shall be granted for a less term than one year; and all licenses shall commence and terminate on the second Tuesday of May in each year.

Second—To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said city and to restrain any person from vending, giving or dealing in spiritous, fermented or vinous liquors, unless duly licensed by the Common Council.

Third—To prevent any riots, noise, disturbance and disorderly assemblages in said city, and to provide for the arrest and punishment of any person or persons who shall be guilty of the same, to supress disorderly houses or groceries, and houses of ill-fame, and to provide for the arrest and punishment of the keepers thereof, and to authorize the destruction of all instruments used for the purpose of gaming.

Fourth—To compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome, nauseous house or place, to cleanse, remove or abate the same from time to time as often as may be deemed necessary for the health, comfort, and convenience of the inhabitants of said city.

Fifth—To direct the location and management of slaughter-houses and markets, breweries, distilleries and pawnbrokers, and to establish rates for, and license venders of

gunpowder, and regulate the storage, keeping and conveying of gunpowder, or other combustible materials.

Sixth—To prevent the encumbering of streets, side-walks, lanes, alleys, public grounds or wharves, with carriages, carts, wagons, sleighs, boxes, lumber, fire-wood, posts, awnings, or any other materials or substances whatever.

Seventh—To prevent and punish horse racing, immoderate riding or driving in the streets, to compel persons to fasten their horses or other animals attached to vehicles or otherwise while standing in the streets, and to regulate places of bathing and swimming in the waters within the limits of said city.

Eighth—To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorize the distraining and sale of the same, and to impose penalties on the owners of such animals for violation of the ordinances.

Ninth—To prevent the running at large of dogs, and may impose a tax on the same, and to authorize the destruction of the same in a summary manner, when at large, contrary to the ordinance.

Tenth—To prevent any person from bringing, depositing, or having within said city, any putrid carcass, or other unwholesome substance and to require the removal of the same by any person who shall have upon his premises any such substance; or putrid or unsound beef, pork, fish, hides or skin of any kind; and on default to authorize the removal thereof by some competent officers, at the expense of such person or persons.

Powers of the council

Eleventh—To make and establish public pounds, pumps, wells, cisterns, hydrants and reservoirs, and to provide for and control the erection of water works for the supply of water to the inhabitants; to regulate and licence hacks, carts, omnibuses, and the charges of hackmen, draymen, cartmen, and omnibus drivers in the city; and to erect lamps and to provide for lighting the city and to control the erection of gas works or other works for lighting the streets, public grounds and public buildings, and to create, alter and extend lamp districts.

Twelfth—To establish and regulate boards of health, provide hospitals, and hospital grounds, the registration of births and deaths, and the returns of the bills of mortality, and regulate or prevent the burial of the dead within the city limits.

Thirteenth—To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Fourteenth—To prevent all persons riding or driving any ox, mule, cattle or other animal, on the side-walks in said city, or in any way doing any damages to such side-walks.

Fifteenth—To prevent the shooting of firearms or crackers, and to prevent the exhibition of any fireworks in any situa-

tion which may be considered by the Council dangerous to the city, or any property therein, or annoying any citizen thereof.

Sixteenth—To prevent open or notorious drunkenness and obscenity in the streets or public places of said city, and to provide for the arrest and punishment of all persons who shall be guilty of the same.

Seventeenth—To restrain and regulate porters; and also runners, agents and solicitors for boats, vessels, stages, cars, public-houses, or other establishments.

Eighteenth—To establish public markets and other public buildings and make rules and regulations for the government of the same, to appoint suitable officers for overseeing and regulating such markets, and to restrain all persons from interrupting or interfering with the due observance of such rules and regulations.

Nineteenth—To license and regulate butchers' stall-shops and stands for the sale of game, poultry, butchers meat, butter, fish and other provisions.

Twentieth—To regulate the place and manner of weighing hay and selling the same, and the measuring and selling of firewood, coal and lime, and to appoint suitable persons to superintend and conduct the same.

Powers of the council

Twenty-First—To compel the owner or occupant of buildings or grounds to remove snow, dirt, or rubbish from the side-walk, street, or alley opposite thereto, and to compel such owner or occupant to remove from the lot owned or occupied by him, all such substances as the Board of Health shall direct; and in his default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant.

Twenty-Second—To control and regulate the construction of piers or wharves, or grading said wharves into the Mississippi River within the corporate limits of said city, and to prescribe and control the prices to be charged for pierage or wharfage thereon, and to prevent and remove all obstructions in the water of said river. And to prescribe and regulate rates of wharfage and pierage to be charged to any boat or vessel landing or mooring at any landing, wharf or pier, within the limits of said city, and paid to said city; and to regulate the landings, levee, wharves and piers within the limits of said city, and boats and vessels landing and mooring at the same.

Twenty-Third—To regulate, control and prevent the landing of persons from boats or vessels whereon are contagious or infectious diseases or disorders, and to make such disposition of such persons as to preserve the health of said city.

Twenty-Fourth—To regulate the time, manner and place of holding public auctions or vendues.

Twenty-Fifth—To provide for watchmen, and to prescribe their number and duties and regulate the same; and to create

and establish the police of said city, and to prescribe the number of police officers and their duties, and to regulate the same.

Twenty-Sixth—To provide by ordinance for a standard of weights and measures; for the appointment of a City Sealer, and to require all weights and measures to be sealed by the City Sealer, and to provide for the punishment of the use of false weights and measures.

Twenty-Seventh—To regulate the inspection of flour, pork, beef, fish, salt, whiskey, and other liquors and provisions.

Twenty-Eighth—To regulate the measurement and inspection of lumber, shingles, timber and building materials.

Twenty-Ninth—To appoint inspectors, weighers and gaugers; to regulate their duties and prescribe their compensation.

Thirtieth—To direct and regulate the planting and preserving of ornamental trees in the streets and public grounds.

Thirty-First—To remove and abate any nuisance, obstruction or encroachment upon the streets, alleys, public grounds, and highways of the city.

Powers of the Council

Thirty-Second—To remove and abate any nuisance injurious to the public health, and to provide for the punishment of all persons who shall cause or maintain such nuisances.

Thirty-Third—To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city; and to make quarantine laws and enforce the same within the city.

Thirty-Fourth—To restrain and punish vagrants, mendicants, street-beggars and prostitutes.

Thirty-Fifth—Fines, penalties and punishments imposed by the Common Council for the breach of any ordinance, by-law or regulation of said city may extend to a fine not exceeding one hundred dollars and imprisonment in the city prison and county jail not exceeding thirty days, or both, and to be fed on bread and water at the discretion of the City Justice; and offenders against the same may be required to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars

Thirty-Sixth—The Common Council shall have power to establish a work-house in said city, and may provide by ordinance that any one convicted of an offense before the City Justice and committed upon non-payment of fine imposed, shall be committed to the work-house and be required to work out the amount of his fine under such regulations, and in such manner as the Common Council may prescribe. And the said Common Council, for the purpose of providing for the erection of such work-house, may issue the bonds of said city, not exceeding the amount of ten thousand dollars,

for a time not exceeding ten years, and bearing interest not exceeding twelve per cent. per annum, in such form and amounts and under such regulations as the Common Council may prescribe. The Common Council shall also have power, in lieu of punishment by imprisonment provided by this Act, to provide that the offender may be committed to the work-house, and set to work not exceeding thirty days, under such regulations and in such manner as the Common Council may ordain. Powers of the Council

Sec. 4. All ordinances, regulations, resolutions and by-laws shall be passed by an affirmative vote of a majority of the members of the Common Council present, by ayes and noes, and published in the official paper, before the same shall be in force, and shall be admitted as evidence in any Court in the State, without further proof; they shall be recorded by the City Clerk in books to be provided for that purpose. No appropriation shall be made without a vote of a majority of the members of the Common Council present in its favor, which shall be taken by ayes and noes, and entered among the proceedings of the Council. How ordinances may be passed.

Sec. 5. The powers conferred upon the Common Council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings in the Courts according to law. Depots, houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any one time; gambling houses, houses of ill-fame, disorderly taverns, and houses or places where spirituous, vinous or fermented liquors are sold without license required therefor, within the limits of said city, are hereby declared and shall be deemed public or common nuisances. Additional powers.

Sec. 6. The Council shall examine, audit and adjust the accounts of the Clerk, Treasurer, Street Commissioner of each Ward, City Justice, Wharf Master, and all other officers and agents of the city, at such times as they may deem proper, and also at the end of each year, and before the term for which the officers of said city were elected or appointed shall have expired. And the Common Council shall require each and every such officer and agent to exhibit his books, accounts, and vouchers for such examination and settlement; and if any such officer or agent shall refuse to comply with the orders of said Council in the discharge of their said duties, in pursuance of this Section, or shall neglect or refuse to render his accounts or present his books and vouchers to said Council, or a Committee thereof, it shall be the duty of the Common Council to declare the office of such person vacant. And the Common Council shall order suits and proceedings at law against any officer and agent of said city, who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties; and shall make a full record of all such settlements and adjustments. Council to examine accounts

Power to issue bonds

SEC. 7. The Common Council may, during any fiscal year, by a vote of two-thirds, issue the bonds of said city, bearing interest not exceeding twelve per cent. per annum, and for a time not exceeding one year, in such amounts and under such regulations as the Common Council may prescribe in anticipation of the taxes and revenues of such fiscal year: *Provided*, That the amount of such bonds outstanding shall not at any one time exceed one-third of such taxes and revenues: *And provided*, That such bonds, or the proceeds thereof, shall be applied to the same purposes as the taxes and revenues in anticipation whereof they may be issued.

Bonds for water works.

SEC. 8. The Common Council may, for the purpose of providing for the erection and construction of water works for supplying said city and the inhabitants thereof with water, and for the purpose of providing the necessary pipes, conduits and apparatus for introducing and distributing the same, and also for the purpose of providing fire-engines and apparatus for extinguishing fires,—by a vote of two-thirds, issue the bonds of said city bearing interest not exceeding twelve per cent. per annum, and for a time not exceeding twenty years nor less than five years, in such amounts and under such regulations as the Common Council may prescribe: *Provided*, That the amount of bonds issued under this section shall not exceed the sum of two hundred thousand dollars; and that all revenues and water rents collected from such water-works shall be applied to the necessary expenses thereof, and to the payment of the interest of the bonds issued for such purposes, and for providing a sinking fund for the payment of the principal thereof. And the Common Council shall provide for the payment of the interest and the ultimate payment of the principal of any city bonds which shall be issued under this section, and for that purpose is authorized, if need be, to assess and collect annually a special tax on the real and personal property of said city, as other taxes are levied and collected in said city, not exceeding one-half per cent. per annum: *And provided further*, That a proposition to issue bonds for the purposes aforesaid (except to an amount not exceeding five thousand dollars for fire-engines) shall be first submitted to a vote of the qualified voters of said city, at any annual election or at a special election held for that purpose, in such manner and at such time as the Common Council may prescribe, for their approval or rejection; and in case such water-works are provided by the city, the Common Council shall have power to establish and ordain all needful regulations and ordinances in relation thereto, and to assess and establish such water rents and charges for the use of the water, to be paid by the persons using the same, as the said Common Council may deem expedient; and the said Common Council shall have power to regulate the use of the water, and provide for and regulate the collection of the water rents and charges for the use thereof, and to appoint

all needful officers for the purposes aforesaid and to prescribe their duties and compensation.

CHAPTER V.—Finances and Taxation.

Funds under the control of the council

Sec. 1. All funds in the Treasury, except State, School and County Funds, shall be under the control of the Common Council, and be drawn out upon the order of the Mayor and Clerk, and countersigned by the Comptroller, duly authorized by a vote of the Common Council; and all orders drawn upon the Treasurer shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment for any tax or assessment levied by authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and may be transferred by endorsement.

Tax for city expenses

Sec. 2. The said Council shall have power to annually levy a tax upon all the property in said city subject to taxation, not exceeding one-half per cent. per annum, to defray the current expenses of the city.

For ward expenses

Sec. 3. The Common Council shall also annually levy upon the property liable to taxation in each ward a tax, not exceeding one-half per centum per annum, to defray the current expenses of such ward.

Levy poll tax

Sec. 4. It shall and may be lawful for the Common Council of the said city, at any meeting, to levy a corporation or poll tax upon every qualified voter in said city: *Provided*, That the said tax shall not in any one year exceed the sum of one dollar on each person so taxed.

CHAPTER VI.—Opening Streets, Alleys, etc.

Council to control streets

Sec. 1. The Common Council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets which may have been opened and graded to be kept open and in repair and free from nuisances. No street or alley which shall hereafter be dedicated to public use by the proprietor or proprietors of grounds within said city, shall be recognized as a public street or alley of said city, unless the Common Council shall first approve the plat thereof, or accept such dedication, or afterwards confirm the same by an ordinance specially passed for such purpose.

Council to control streets

Sec. 2. The Common Council shall have power to lay out, open, alter and vacate public squares, streets, grounds, highways and alleys, and to widen and straighten the same: *Provided*, That whenever it shall be required to take private lands or property for the purposes aforesaid, the Common Council shall not have power to act thereon except as follows:

Council to control streets

First.—Whenever ten or more freeholders owning real estate within and residents of any Ward shall petition the Common Council for opening, altering, widening or straightening any public square, grounds, streets, highways or alleys within such Ward,—setting forth the facts and the courses and distances, metes and bounds of the lands proposed to be taken, and of the proposed improvement, together with the names of the owners of such premises, and their residences, if the same shall be known to the petitioners, and representing that it is necessary to take such lands for public use, which said petition shall be verified by the oath of at least two of the petitioners,—the Common Council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the City Clerk, who shall give notice to all parties interested, by publication in the official paper of the city for four weeks, at least once in each week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that, on a certain day, at the Council-chamber, not less than ten days from the expiration of such notice, the Common Council will appoint five Commissioners to view and to assess the damages and benefits in the premises; and it shall be the duty of the Street Commissioner of the proper Ward to cause such notice to be served on the owner of any land to be taken for public use residing within the County of Ramsey, and the occupants thereof, if the names and residences of such persons shall be known to him, or stated in the petition, by personal service on them or by mailing the same.

Second.—Upon the day and time specified in said notice the Common Council shall choose by ballot five disinterested freeholders, residents and qualified voters of said city, who shall not be residents of such Ward nor interested in the result as Commissioners; and it shall be the right of any party interested, at the time of the appointment of such Commissioners to object to any person selected as Commissioner aforesaid, upon the ground of interest or disqualification, and the Common Council shall thereupon determine such objection, and fill any vacancy in the manner before provided, and when the appointment of such Commissioners shall be completed, the Common Council shall thereupon issue their precept to the Chief of Police of said city, commanding him to summon the said Commissioners to attend at the office of the City Clerk at a day and time therein named, and act as Commissioners in the said matter, and to make return of their actings and doings to the Common Council within thirty days thereafter, of which day and time of meeting of said Commissioners at least three days notice shall be given in the official paper by the City Clerk.

Third.—If any Commissioner appointed as aforesaid shall neglect or refuse to attend as aforesaid, he shall forfeit and

pay a fine to the said City not exceeding fifty dollars, and shall be liable to prosecution therefor before the City Justice of said city; and the Commissioners in attendance shall be authorized to fill such vacancy by the appointment of any person possessing the qualifications of Commissioner aforesaid. Council to control streets

Fourth.—The Commissioners shall be sworn by the City Clerk to discharge their duties as Commissioners in the matter with impartiality and fidelity, and to make due return of their actings and doings to the Common Council.

Fifth.—The said Commissioners after being sworn as aforesaid shall proceed in a body accompanied by the Street Commissioner of the proper Ward, and the City Surveyor to view the said premises and also such other premises as may be benefitted by the proposed improvement, and may adjourn from time to time until such view is completed; after their said view is completed, they shall adjourn to some convenient time and place not exceeding ten days thereafter, for the purpose of hearing testimony and evidence on the part of parties interested, which said evidence and testimony shall be reduced to writing by one of the Commissioners, and any of the Commissioners shall be authorised to administer the necessary oath to witnesses, of which meeting at least three days notice shall be given in the official paper by the Commissioners.

Sixth.—After viewing the premises and hearing such testimony and evidence as may be offered the said Commissioners shall determine.

1st: Whether in their judgment it is necessary to take such premises for the purposes specified in such application.

2nd: If the said Commissioners shall be satisfied that it is necessary to take such premises for the purposes aforesaid, and shall so determine—

They shall next determine the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefited by such taking; and to assess and return within the time limited, such damages and benefits to the Common Council; and in case the said Commissioners shall determine that it is not necessary to take said premises aforesaid, they shall so report to the Common Council without making further return; and in all cases the testimony and evidence taken before the Commissioners, and all proceedings had before them shall accompany their return. Damages for lands taken

Seventh. If there should be any building standing in whole or in part upon the land to be taken, the Commissioners before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him; and secondly, the value of such building to him to remove.

Eighth.—At least five days' personal notice of such deter-

mination shall be given to the owner or his agent, if known, and a resident of the city, or left at his usual place of abode. If not known or a non-resident, notice to all persons interested shall be given for ten days in the official paper, such notice shall specify the building and the award of the Commissioners; it shall also require the parties interested to appear by a day to be therein named, or give notice in writing of their election to the Common Council, either to accept the award of the Commissioners and allow such building to be taken with the land appropriated, or of their intention to remove such building, at the value set thereon by the Commissioners to remove. If the owner shall agree to remove such building, he shall have such time for this purpose as the Common Council may allow.

Notice to be given to land owners

Ninth.—If the owner refuse to take the building at the value to remove, or fail to give notice of his election as aforesaid within the time prescribed, the Common Council shall have power to direct the sale of such building at public auction for cash giving ten days notice of the sale. The proceeds shall be paid to the owner, or deposited to his use.

Tenth. The Commissioners shall thereupon proceed to make their assessment and to determine and to appraise to the owner or owners, the value of the real estate appropriated for the improvement, and the injury arising to them respectively in consequence of the taking thereof, which shall be awarded to such owners as damages, after making due allowance therefrom of any benefits which such owners may respectively derive from such improvement. In the estimate of damages to the land, the Commissioners shall include the value of the building or buildings, (if the property of the owner of such land,) as estimated by them as aforesaid, less the proceeds of the sale thereof; or if taken by the owner at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such building or buildings.

Eleventh. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the Commissioners shall strike a balance and carry the difference forward to another column; so that the assessment will show what amount is to be paid or received by such owner or owners respectively and the difference only shall, in any case, be collected of them or payable to them.

Relative to streets

Twelfth. If the lands and buildings belong to different persons, or if the land be subject to lease, mortgage or judgment, or if there be any estate in it less than an estate in fee, the injury done to such persons or interests respectively, may be awarded to them by the commissioners, less the benefits resulting to them from the improvement.

Thirteenth. Having ascertained the damages and expenses of the improvement as aforesaid, the Commissioners shall

thereupon apportion and assess the same, together with the costs of the proceedings and the fees of the Commissioners, which shall be two dollars per day each, to be included therein, upon the real estate by them deemed benefits resulting thereto from the improvements, as nearly as may be, and shall describe the real estate upon which the assessments may be made. The award of the Commissioners shall be signed by them and returned together with the testimony taken, to the Common Council, within the time limited by their appointment.

Fourteenth. The City Clerk shall give ten days' notice in the official paper that such assessment has been returned, and on a day to be named therein, will be confirmed by the Common Council unless objections are made in writing by persons interested; objections may be heard before the Common Council, and the hearing may be adjourned from day to day. The Council shall have power in their discretion to confirm or annul the assessment, or refer the same back to the Commissioners. If annulled, all the proceedings shall be void; if confirmed, as hereinafter provided, a warrant shall be issued to the City Treasurer for the collection thereof; and such lands and buildings may be taken and appropriated for the purpose required in making such improvements, and such streets, alleys, highways, or other improvement may be made and opened, and shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, and other public grounds heretofore opened and laid out. If referred back to the same or other Commissioners, they shall proceed to make their assessments and return the same in like manner, and give notices as herein required in relation to the first, and all parties in interest shall have the like notice and rights, and the Common Council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first; and the said Common Council shall have the power, at their discretion, to enlarge the time limited for the Commissioners to make their returns. Relative to streets

Fifteenth. Where the whole of any lot or tract of land, or other premises under lease or other contract, shall be taken by virtue of this act, all covenants, contracts or engagements between landlord and tenant, or any other contracting parties touching the same or any part thereof, shall, upon the confirmation of such report, respectively cease and be absolutely discharged. When only part of a lot or tract of land, or other premises so under lease or other contract shall be taken for any of the purposes aforesaid, all the covenants, contracts or agreements respecting the same, upon the confirmation of such report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for or in respect to the

same, shall be so proportioned so that the part therof justly and equitably payable for such residue thereof, and no more, shall be paid or recoverable for, in respect to the same.

Sixteenth. The damages assessed shall be paid or tendered or desposited as herein required, or secured to be paid to the satisfaction of the parties entitled thereto, within six months from the confirmation of such assessment and report, and the benefits so assessed shall become and remain a lien upon the premises so determined by the Commissioners to be benefitted by the opening or widening of such street, alley or public ground.

Seventeenth. When any known owner of lands or tenements affected by any proceedings under this act shall be an infant, or labor under legal disability, the Judge of the District Court of Ramsey County, or in his absence, the Judge of any Court of Record in said county, may, upon application of the Common Council or such party or his next friend, appoint a guardian for such party, and all notices required by this act, shall be served upon such guardian.

Relative to streets

Eighteenth. It case it shall appear that the assessment of benefits are insfficient in amount to discharge the amount of damages awarded and necessary expenses, the Common Council may, in their discretion, upon the recommendation in writing, filed with the City Clerk, of any two of the Aldermen of the ward wherein the proposed improvement lies, order the deficiency to be paid out of the fund of such ward, and thereupon may confirm the said report, but if in such case such recommendation shall not be made by such Aldermen, as aforesaid, the said report shall be ordered to be annulled, and all proceedings thereon shall be void, and in no case shall the amount of such assessment for benefits exceed the amount of damages awarded and the necessary expenses.

Nineteenth. The confirmation of such report shall be by resolution describing therein the proposed improvement, and specifying the amounts of damages and assessments of benefits, and to whom and by whom payable, in accordance with said report and the amount, if any, to be paid out of the ward fund; and after the same shall go into effect, it shall be published as in the case of ordinances of said City, and a transcript thereof, duly certified by the City Clerk, shall be filed in the office of the District Court of Ramsey County. Such assessments of benefits, upon confirmation aforesaid, shall be a lien upon the land so assessed, and shall bear interest at the rate of thirty per cent. per annum, ten days after the confirmation thereof.

Twentieth. Any person whose property is taken, or against whom an assessment is made may, by notice in writing to the Mayor of said City, a copy whereof with proof of service shall be filed in the office of the Clerk of the District Court of Ramsey County, within twenty days from the time

of publication of such confirmation appeal from the said assessment of damages or benefits, to the District Court aforesaid, where such appeal shall be tried by the Court and Jury as in ordinary cases, but no pleadings shall be required, and the party appealing shall specify in the notice of appeal the grounds of objection to such assessment, and the transcript filed as aforesaid shall be *prima facie* evidence of the facts therein stated, and that such assessment was regular and just, and made in conformity to law. The judgment of said Court therein shall be final and conclusive. Relative to streets

Twenty-first. In case the damages assessed should not be paid, or tendered, or deposited within the time herein before required, the Common Council may, by resolution passed by a vote of two-thirds, order the same or such part thereof as remains unpaid to be paid out of the general fund of the City, and charged against the fund of the proper Ward, and in such case the assessment of benefits shall be collected for the use of said City, so far as may be necessary to reimburse the same, and credited to the fund of the proper Ward.

SEC. 3. Whenver any public ground, street or alley shall be laid out, widened or enlarged, under the provisions of this chapter, the Common Council shall cause an accurate survey and profile thereof to be made and filed in the office of the City Surveyor. Surveys

SEC. 4. In all cases where the return of a Jury may have established the necessity of taking private property for the purpose of opening streets, previous to the passage of this act, the Common Council may cause the damages and benefits arising therefrom to be assessed as required by this act, and for such purpose Commissioners may be appointed, and do and perform all other acts in the same manner as if such proceedings had been originally instituted under this act. Damages to be assessed

SEC. 5. The warrants for the collection of such assessments of benefits shall be issued in the same manner as in case of taxes, and the Common Council shall fix a time not less than three months from the time of the confirmation aforesaid, for the sale of the premises so assessed to satisfy such assessment, which time shall be specified in the warrant. The Treasurer shall enforce the payment of such assessments and make sale in the same manner and under the same regulations as in the case of taxes, but the notice of such sale shall be published for at least four weeks in the official paper of said City, and also a like notice shall be posted upon the premises and in a conspicuous place in the City Hall. Such notice shall specify the time and place of sale, a description of the property, and the names of the owners thereof, if known, and shall also state within what time the same may be redeemed. Said sale shall be conducted as tax sales of real estate, and the Treasurer shall deliver like certificates, and with the same effect to purchasers Tax warrants how they may be issued

as in case of tax sales, and in case such property shall not be bid in, at the amount of such assessment, and interest and charges, the same shall be bid in by the Treasurer for the said City, and said City shall be vested with all the rights of any other purchaser.

Redemption of land sold

SEC. 6. Any lot or tract of land so sold, or any portion thereof, may be redeemed within one year, from the day of sale, and at any time before the deed is executed by the owner or any person interested therein, paying to the Treasurer the amount for which the same was sold, together with the interest at the rate of thirty per cent. per annum, and the legal charges thereon after the time of redemption shall expire; the Treasurer shall execute a deed to the purchaser or his assigns as provided in tax sales herein.

Vacature of lands

SEC. 7. No public grounds, streets, alleys or highways within said City shall be vacated or discontinued by the Common Council, except upon the petition of a majority of the owners of property on the line of such public grounds, streets, alleys or highways, resident within the said City; such petition shall set forth the facts and reasons for such vacation, accompanied by a plat of such public grounds, streets, alleys or highways propose to be vacated, and shall be verified by the oath of at least two of the petitioners. The Common Council shall thereupon, if they deem it expedient that the matter should be proceeded with, order the petition to be filed of record with the City Clerk, who shall give notice by publication in the official paper of said City, for four weeks, at least once a week, to the effect that such petition has been filed as aforesaid, and stating in brief its object, and that said petition will be heard and considered by the Common Council or a Committee appointed by them on a certain day and place therein specified, not less than ten days from the expiration of such publication.

The Common Council, or such Committee as may be appointed by them for the purpose at the time and place appointed, shall investigate and consider the said matter, and shall hear the testimony and evidence on the part of parties interested. The Common Council may thereupon, after hearing the same, or upon the report of such Committee, in favor of granting such petition, may by resolution, declare such public grounds, streets, alleys or highways, vacated, which said resolution, after the same shall go into effect, shall be published as in the case of ordinances, and thereupon a transcript of such resolution duly certified by the City Clerk, shall be filed with the Clerk of the District Court of the County of Ramsey.

Appeal

SEC. 8. Any person aggrieved thereby, may within twenty days after the publication thereof, appeal to the District Court of Ramsey County, under the same regulations, and with the same effect as appeals are hereinbefore allowed in the case of opening streets and alleys, and the judgment of the Court thereon shall be final.

CHAPTER VII.—City Improvements.

Contract for certain works

Sec. 1. The Common Council of said City, shall have power to order and contract for the making, grading, repairing and cleansing of streets, alleys, public grounds, reservoirs, gutters and sewers, within said City, and to direct and control the persons employed therein; and all such improvements shall be superintended by the Street Commissioner of the Ward wherein the work is to be done.

Repair of sidewalks

Sec. 2. Whenever the Common Council shall deem it necessary to construct or repair any sidewalk within the City, they shall require the Street Commissioner of the proper Ward to notify the owner or occupant of any lot adjoining such sidewalk to make or repair the same at his own proper cost and charge, by publication in the official paper for ten days. If such work is not done in the manner and within the time prescribed, the Common Council shall order the same to be done at the expense of the lots adjoining such sidewalks, and the expense thereof, shall be assessed upon such lots so chargeable by the Street Commissioner of the proper Ward, and returned to the Common Council, and collected in the same manner and under the same regulations as assessments for Street Improvements, and shall bear a like rate of interest after confirmation.

Expenses borne by the wards

Sec. 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys, and of constructing and repairing reservoirs, and sewers, shall be chargeable to and payable out of the fund of the proper Ward. Graveling, grading, planking, macadamizing or paving streets and alleys, to the center thereof, shall be chargeable to and payable by the lots fronting on such street or alley, within the line of improvement so far as the work extends; and the whole expense thereof shall be assessed upon such lots in proportion to their fronts thereon. Sewers and drains communicating with main sewers or drains, may be built by order of the Common Council, through any street or alley for the purpose of draining the lots in the blocks fronting such street or alley, and in such case the expense thereof may be assessed upon the lots so drained and benefitted in such blocks, and being within the line of the improvement. *Provided*, That in all cases where improvements or works of any kind are chargeable by virtue of this section upon lots benefitted, all such improvements across streets, alleys and public grounds, shall be made and paid for out of the funds of the proper Ward, in proportion to the width of the streets, alleys or public grounds.

System of sewerage

Sec. 4. The Common Council shall, as early as practicable, adopt a general system of Sewerage for the city, the cost of which together with the expense of surveying and constructing same, shall be paid out of the general sewer fund of the city,

and for that purpose the Common Council are hereby authorized to levy and collect a general sewer tax, which shall be assessed on all real property within the city limits corresponding with the general assessment rolls of the city, and said sewer tax when collected, shall be set apart and no appropriation made therefrom except for the purposes as provided for in this section; and for the more effectual carrying out the provisions of this section, the Common Council may appoint one competent person as Commissioner of Sewers for the whole city, who shall be under their control and direction and whose powers and duties shall be defined by an ordinance of the city.

Exemptions in certain cases

SEC. 5. No grading of streets or alleys to be done at the expense of lots fronting such improvements or sewers, the expense of which is to be charged to the lots drained or benefited, as before provided, shall be ordered by the Common Council, except upon the petition in writing of a majority of the owners of the property residing on the street, whose lots will be so chargeable with the expenses unless by a two-third vote of the Common Council; and whenever the Common Council shall determine upon a public improvement under this section, upon such petition or by a two-third vote, they shall pass a resolution to that effect, and shall require the Street Commissioner of the proper Ward, with the assistance of the City Surveyor, to examine the premises and report a grade (in the case of a street or alley,) and an estimate of the whole expense thereof, and the lots chargeable with the expense, and the owners names, if known, and the proportion of expense to be assessed each; and the Common Council may adopt, revise, correct or amend the same with instructions. Upon such report being adopted, an accurate survey and profile of such grade shall be prepared by the City Surveyor and filed in his office of record. The Common Council may thereupon order the said work to be placed under contract upon such terms and under such regulations as they may deem advisable.

Notice of contracts

SEC. 6. When any work provided for in the preceding section shall be completed, and the contract performed to the satisfaction of the Street Commissioner of the proper Ward, and the City Surveyor, said Street Commissioner shall give notice by publication in the official newspaper of said city, for ten days, that the expense thereof, (in case of streets and alleys,) will be assessed upon the lots fronting such street or alley within the line of such improvment in proportion to their fronts thereon, and in case of sewers chargeable to the lots as hereinbefore provided, that the lots in the blocks fronting such improvement drained or benefitted thereby, (which lots shall be designated in the notice,) will be assessed in proportion to their size or area. Any owner of such lot or lots to be charged as aforesaid, feeling himself agreived by such assessments, may, before the expiration of the publication

of such notice, file a petition with the Street Commissioner, showing (in the case of streets and alleys,) that his lot or lots by reason of deep cutting or great filling will not be benefitted to the extent of the expense apportioned to such lot, or (in the case of sewers,) that his lot or lots will not be drained or benefitted by such sewer or drain, and that such assessments, in his case, would be unequal and unjust; which said petition shall be sworn to by the petitioner or some one having knowledge of the facts. The Street Commissioner shall thereupon require the Chief of Police to summon three disinterested freeholders of said city and non-residents of the Ward wherein such improvement is located, as Commissioners to attend at some convenient time and place, of which notice shall be given by publication in the official paper of said city, at least three days before the time appointed for such Commissioners to meet. At the time of meeting, such Commissioners shall be examined under oath touching their qualifications to act, and in case of disqualification or absence, the Street Commissioner shall require the Chief of Police forthwith to summon others to supply the vacancy. Said Commissioners shall be sworn faithfully and impartially to discharge the trust reposed in them, and shall view and examine the premises in question and shall have power to hear the parties and administer oaths and examine witnesses. It shall be their duty as early as practically and within ten days from the time they entered upon their duties, to report to the Street Commissioner their decision in writing accompanied by any testimony or proof, or the substance thereof taken before them, and shall, in each case, determine whether such assessment, (in case of grading streets and alleys,) would be unequal and unjust, and whether, and how much the same will exceed the benefits, and, (in case of sewers,) whether the lot or lots in question will be drained or benefitted by the sewer, and thereupon what abatement or exemption, if any, should be allowed. Notice of contracts,

The Street Commissioner shall thereupon complete his assessments for such improvement, making the necessary abatements or exemptions in accordance with the report of the Commissioners; and in case of grading streets and alleys, the amount deducted for such abatements shall be made up and charged to the fund of the proper Ward, and in case of sewers, the amount deducted for such abatements shall be assessed upon the other lots chargeable with the expense aforesaid, in the manner before prescribed. Such assessment, when completed, shall be returned to the Common Council, and the said Common Council shall thereupon fix a time for confirmation of the same, of which notice shall be given in the official paper of the city. Upon the confirmation thereof, a warrant for the collection thereof shall issue to the Treasurer, and the same shall be levied and collected as other taxes and assessments.

Wharves and piers

SEC. 7. The Common Council shall have power to regulate and cause to be constructed, altered and maintained, wharves and piers, or grading and paving along the banks of the Mississippi River, and shall have and exercise the same power and control over the said river within the limits of said city, that they may possess over streets, highways and alleys, so far as such power and control may not be inconsistent with the laws of the United States or of this State. The expense of constructing, altering and maintaining such wharves, piers, grading and paving, shall be paid out of the general fund of said city.

No error, to vitiate assessments

SEC. 8. No error or informality in the proceedings shall vitiate the assessments made by virtue of this Chapter, where the notices hereinbefore provided shall have been given and all assessments for work or expenses chargeable to lots hereinbefore provided, shall be payable from the time of the confirmation thereof by the Common Council, and shall bear interest ten days thereafter, at the rate of thirty per cent. per annum, and the Common Council shall fix a time for the sale of such premises for the unpaid assessments, not less than three months from the time of the confirmation thereof, to be specified in the warrant, or may order the same to be entered in the annual assessment roll, to be sold at the time of sales for taxes in said city. Sales for such unpaid assessments shall be conducted in the same manner and with the same effect, and under the same regulations as in case of sales for taxes in said city, and shall be subject to the like right of redemption upon payment of such assessment and interest, at the rate of thirty per cent. per annum and charges, except that the time of redemption in sales for assessments under this chapter, shall be limited to one year, and the notice of such sale shall specify the time of redemption.

Moneys cred. it'd to the ward fund

SEC. 9. All amounts collected from assessments for improvements under this chapter, shall be credited to the fund of the proper Ward, and all contracts and claims for improvements chargeable to lots under this chapter, shall be audited and adjusted as other claims against the city, and paid and discharged as other claims against said city, and the amount thereof debited against the proper Ward. *Provided*, That during the progress of any work done under the provisions of this chapter, the Common Council shall have power to pay to the contractors thereof not exceeding seventy-five per cent. of the amount of such work, reported to the Council by the Street Commissioner and City Surveyor.

Bonds may be issued

SEC. 10. The Common Council may, at any time, for the purpose of anticipating the collection of such assessments, and of meeting the demands against the city for such improvement, by a vote of two-thirds, issue the bonds of said city, in such form and amounts, and under such regulations as they may prescribe, for a time not exceeding two years, and bearing interest not exceeding twelve per cent. per an-

num, and the proceeds thereof shall be applied to the purposes aforesaid, and the collections from such assessments in anticipation whereof they were issued, shall stand appropriated and pledged for the payment of the principal and interest of the same; *Provided*, That the amount of such bonds on account of improvements in any Ward outstanding, shall not at any time exceed one per cent. of the assessed value of the property in such Ward, according to the last assessment.

CHAPTER VIII.—Assessing, Levying, and Collecting Taxes.

Section 1. All property, real or personal, within the city, except such as may be exempt by the laws of this State, shall be subject to taxation for the support of the City government, and payment of its debts and liabilities; and the same shall be assessed in the manner hereinafter provided; the assessors elected under this act shall have and possess the same powers that are, or may be conferred upon township or county assessors, except so far as they may be altered by this act. The Common Council may prescribe the form of assessment rolls, and may fully define the duties of assessors, and make such rules and regulations in relation to revising, altering or adding to such rolls as they may from time to time deem advisable.

Property subject to taxation

Sec. 2. Within ten days after receiving notice of their election, the assessors shall assemble at the City Hall, in said City, and after taking the official oath, shall proceed to organize by electing one of their number chairman, who shall be authorized to administer such oaths as shall be required by this chapter, and within such time as the Common Council shall designate, the said assessors shall make out a complete and accurate assessment roll, which shall contain a description as near as may be, of all lands, lots or parcels of land within said City, sufficient to identify the same, and also of all persons or bodies politic, liable to pay taxes on personal property, and opposite to each lot or parcel of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be assessed. When there are buildings upon any lot or parcel of land, the value of the same shall be set forth in a separate column, the assessors may, if they deem it advisable, assess any lot or tract of land in such parcels or sub-divisions as they may deem proper, and shall, as far as practicable, enter the name of the owner opposite to every parcel or tract of land. Any act done by a majority of the assessors shall have the same force and effect as if done by all.

Duties of the assessors

For the purpose of facilitating the assessments of personal property, each assessor shall be furnished by the City Clerk with suitable blanks or list, specifying the different kinds of

personal property subject to taxation in such form and under such regulations as the Common Council may prescribe; and such blanks or list shall be left by the assessor with each owner of personal property subject to taxation, who shall fill up the blanks with the amount and value of such property, and shall be required to make oath thereto, under such regulations as the Common Council may prescribe; such list shall be returned to the assessor within ten days, and unless so returned the assessor shall make assessment of such personal property; and no objection to an assessment shall be heard by the assessors until the foregoing provisions is complied with.

Notice given when complete

SEC. 3. When the same shall be completed, the assessors shall give ten days' notice thereof, in the official paper, and shall fix a time to meet at the City Hall for the purpose of equalizing assessments throughout the city, and of hearing any objections of parties deeming themselves aggrieved by such assessment; and after hearing the same, the assessors shall make such alterations or revisions as justice or equity may require; *Provided*, The time of hearing such objections shall not be extended more than two weeks from the expiration of such notice.

Assessment roll to be returned to the Council

SEC. 4. Within one week after the time limited for the hearing of objections, the board of assessors shall return the said assessment rolls to the Common Council, who may confirm or refer the same back to the Board of Assessors. The Common Council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from, and otherwise revise and correct the same; *Provided, however*, The Common Council shall not have power to increase the total amount of said roll, except by the value of such real and personal property as may have been omitted by the Assessor.

Assessment rolls to be returned to the City Clerk

SEC. 5. When the assessment roll shall have been revised and corrected, the same shall be filed with the City Clerk and an order confirming the same shall be entered in the proceedings of the Common Council. Thereupon the Common Council shall, by resolution, levy such sum or sums of money as may be sufficient for the purposes for which taxes are herein authorized to be levied, but not exceeding the authorized per centage, particularly specifying the purposes for which the same are levied, and if not for general city purposes, the Ward upon which the same are levied.

Taxes to be a lien upon lands taxed

SEC. 6. All taxes and assessments, general or speial, levied under this Act, shall be and remain a lien upon the lands and tenements upon which they may be assessed from the time of the confirmation of such assessment roll, and on all personal property of any person or body politic assessed for personal taxes from the delivery of the warrant for the collection thereof, until such tax shall be paid; and no sale or transfer of such real or personal estate shall effect such lien.

Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes on personal property.

SEC. 7. As soon as said tax shall be levied, the Common Council shall cause the same to be copied into a book provided for that purpose, setting opposite to each tract of land, and to each person named under proper columns, such sum or sums as may be levied upon such tract or against such person. The said copy shall be designated the tax list, and to it shall be appended a warrant signed by the Mayor and Clerk, and sealed with the corporate seal of said city, directed to the City Treasurer, requiring and commanding him to collect the taxes in said list specified, in the manner prescribed by this Act; and in case said taxes and assessments shall not be paid within the time specified in said warrant, that then he shall proceed to sell the several lots or parcels of land, or those parts thereof, upon which said taxes or assessments shall remain unpaid, and make due return to the Common Council within the time fixed in said warrant.

Taxes to be copied

SEC. 8. Such tax list before being delivered to the Treasurer, shall be compared by the City Clerk with the assessment roll, as confirmed; to it he shall append his certificate that the same has been so compared by him, and that the said assessment roll, and the whole thereof, has been copied into such tax list, and the said tax list, when so certified, shall be *prima facie* evidence in any Court that the lands and persons therein named were subject to taxation, and that the assessment was just and equal.

Tax list to be compared by the City Clerk

SEC. 9. On the receipt of such tax list, the Treasurer shall give one week's notice thereof in the official paper. Such notice shall specify that taxes on personal property shall be paid within twenty days from the first publication of said notice; and taxes and assessments on real estate, before the last day of December following, unless the time shall be previously extended by resolution of the Common Council; and that all tracts or parcels of land specified in said tax list, upon which the taxes and assessments shall not be paid by that day, will be sold at a certain time and place to be therein specified; and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified shall be deemed a refusal to pay the same.

Treasurer required to give notice upon receiving the tax list

SEC. 10. On the expiration of the twenty days mentioned in the preceding Section, the Treasurer shall proceed to enforce the collection of the personal taxes in the manner specified in Chapter twelve of the Revised Statutes; and if any such personal taxes shall not be paid or collected in consequence of the neglect or delay of the Treasurer, the Common Council may sue and recover the amount thereof from the said Treasurer and his sureties. In case the taxes on

Treasurer to enforce the collection of personal taxes

personal property shall not be paid within the time limited in the Ninth Section of this Chapter, the Treasurer may issue his warrant, directed to the Chief of Police, requiring and commanding him, within a certain time in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid. And the Chief of Police receiving such warrant shall be subject to all the liabilities, and shall have the power of levying, distraining and selling that are herein given to the Treasurer, and shall be entitled to the fees for collecting which the Treasurer would have been had the tax been collected by him; *Provided*, That the proceedings may be stopped at any time on payment of the taxes or assessments, with costs incurred.

Lands to be sold at public auction

SEC. 11. On or before the first Monday of March, and on the day and at the place designated in the Treasurer's notice, he shall commence, by public auction, the sale (and continue the same from day to day till the whole are disposed of) of all tracts and lots, or parts thereof, upon which the taxes or assessment shall remain unpaid; the sale to be made for the smallest undivided portion of the lot or tract for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such taxes and charges, the Treasurer shall issue to the purchaser, his or her heirs or assigns, a certificate containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same shall expire. The Treasurer shall keep a record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, the time by whom, and for what sum the same was redeemed, and the time and to whom the same was conveyed, if not redeemed.

Amount to be charged for refusal to pay taxes

SEC. 12. In case any purchasers at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the Treasurer shall designate, he shall on the day following, offer said lot or tract again for sale, and any person bidding off at such sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars, for each lot so purchased and not paid for, to be sued for and collected as other penalties under this Act.

Providing for redemption of lands sold

SEC. 13. Any lot or tract of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the Deed is executed, by the owner, or any person interested therein, paying to the Treasurer the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or a lunatic be sold, the same may be redeemed upon the like terms, at any time within one year after such disability shall be removed.

Treasurer to convey lands to purchasers

SEC. 14. Any tract of land sold in pursuance of this Act, or any part thereof, which shall not be redeemed within three years from the day of sale, shall be conveyed by the Treasurer to the purchaser, or his assigns, as herein provided.

Assignees of tax certificate to receive a Deed

SEC. 15. The Assignee of any tax certificate, by indorsement thereon, of any premises sold for taxes by virtue of this Act, shall be entitled to receive a Deed of such premises in his own name and with the same effect as though he had been the original purchaser.

City to receive certain lands

SEC. 16. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this Chapter, the Treasurer shall have power to sell the same at public sale, giving one weeks notice in the official paper, and in case the city shall become the purchaser of any real estate at any tax sale, the Treasurer is authorized to sell the certificates issued therefor, for the amount sold and interest, and to endorse and transfer such certificates to the purchaser.

Assessors to assess taxes previously omitted

SEC. 17. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding years, and that the same was then liable to taxation, they shall in addition to the assessment for that year assess upon the lot or tract so omitted, for such years or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred; and such assessment shall have the same force and effect as it would have had, if made the year when the same was omitted; and the Common Council shall direct, in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been chargeable with, had not the same been so omitted, and such tax shall be collected as other taxes or assessments for the current year; all lands shall be subject to taxes that may have been omitted, in whosoever's hands they may have have come; should the tax or assessment upon any parcel of land be set aside or declared void, by reason of any defect or informality in the levying, selling and conveyingthe same, but not affecting the equity or justice of the tax itself, the Common Council shall cause the tax or assessment so set aside or declared void, to be re-levied in such a manner as they shall by resolution direct; *Provided*, That if the defect was in the assessment, the same shall be again assessed at such time as the Common Council may direct; and the said tax or assessment so re-assessed or relevied, shall be and continue a lien upon said lot or tract, and shall be collected as other taxes and assessments are collected under this Act.

Deeds to be evidence of the validity of taxes

SEC. 18. All Deeds purporting on their face to be executed on account of sale for taxes or assessments under this Act, shall be in all cases *prima facie* evidence of the validity of such tax, and if the title conveyed by such Deed shall come in question, shall be *prima facie* evidence of all facts recited in such Deeds, so far as they affect the validity of the title conveyed by such Deed.

No error to vitiate taxes

SEC. 19. All the direction hereby given for the assessing of lands, and the levying and collecting of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, not affecting the substantial justice of the tax itself, shall vitiate; or in anywise affect the validity of the tax or assessment.

The Treasurer to receive money tendered him for tax

SEC. 20. The Treasurer shall receive all moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof, and pay the same over on demand, to the person entitled to receive the same; he shall cancel all certificates so redeemed, and preserve the same in his office, and at the expiration of his term of office he shall deliver over to his successor all redemption money in his hands, with a statement of the amount so received and to whom belonging.

Liens to be recordedon the tax list

SEC. 21. In all cases where by the provisions of this Act any charge or assessment is made a lien upon the land, the amount of such charge or assessment shall be carried out on the tax list in a separate column or colums, opposite the lot or tract upon which the same may be a lien, and the Treasurer may collect and sell, and do all other acts in regard thereto, in the same manner as if the amount of such lien was a general tax.

Fees of the Treasurer

SEC. 22. The Treasurer in addition to such sum as the Common Council may allow him, shall be entitled to the following fees, to wit: Two per cent. on all sums collected on personal tax, the same to be added to the amount of the personal tax of each person taxed; and in case of a distress and sale by him of goods and chattels for the payment of any tax, he shall be entitled to such fees as are allowed Sheriffs' on sales of goods under execution. For each certificate by him issued on sale of lands for payment of taxes or assessments, ten cents; to be added to the amount of such tax or assessment, and included in such certificate. For each lot redeemed, for which he shall issue a certificate, twenty-five cents; five cents for each additional lot embraced in such certificate, to be paid by the person redeeming for each tax Deed executed by him, one dollar; and five cents for each additional lot or tract of land embraced in the same Deed, to be paid by the person receiving the same.

Sale for tax

SEC. 23. Whenever any person shall bid off any lot offered for sale for taxes, which may have been bid off in the name of the city for taxes of any previous year, and, at the time of

such subsequent sale, remains the property of the city, such person shall, before being entitled to his certificate of such sale, purchase of the city its certificate, by paying the amount of principal, interest and charges thereon, and receive from the Treasurer an assignment thereof.

Redemption of lands sold for taxes

SEC. 24. When there shall be a sale by the County Treasurer, and by the City Treasurer, of any piece or parcel of land for taxes, in the same year, the purchaser of such piece or parcel who may be first in point of time may redeem the same from the subsequent purchaser; and in case he shall not redeem, the right of the last purchaser shall be held paramount in case of the execution of any tax deed therefor. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale-book of the character in which such person may redeem, and the person so redeeming shall be substituted to all the rights of the holder of the certificate so redeemed as aforesaid.

No person allowed to institute suit &c

SEC. 25. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside any deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit for his use with the Treasurer the amount of all State, County and City taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

COUNTY AND STATE TAXES.

Duty of the city clerk

SEC. 26. Before the annual meeting of the Board of Commissioners of the County of Ramsey, in the fall, it shall be the duty of the City Clerk to cause a copy of the assessment roll of said city for such year, to be transmitted to the Clerk of the Board of County Commissioners, who shall lay the same before the County Commissioners at their meeting.

Equalize assessment

SEC. 27. The Board of County Commissioners shall have the right of equalizing the assessment rolls of the towns in said county and of said city, as provided by law, but, in such equalization, shall consider the assessmennt roll of said city as an entire roll, and shall not change the relative valuation of the different wards.

Levy a tax

SEC. 28. The said Board of County Commissioners may levy a tax as now provided by law, but shall therein proceed without regard to the division of the city into wards, and shall cause the amount of taxes to be levied, and the purposes to be certified to by their clerk, in the manner provided by the general laws of this State; and the said clerk shall make out a tax list for that purpose, and deliver the same to the City Treasurer as provided by law.

SEC. 29. The Treasurer of the city, in giving bonds and

Conform to general laws

making his returns to the County Treasurer, shall conform to the general laws of the State, and in conformity with the laws regulating the return of Sheriffs for unpaid taxes, and under a like penalty, except that the returns of the County Treasurer shall be for the city and not for the wards.

Reduction of taxes

SEC. 30. All tax levied by the Common Council and the Board of Commissioners of Ramsey County under the provisions of this chapter shall, if paid within thirty days from the receipt of the tax list by the City Treasurer, be reduced ten per cent. and, if not paid before the last day of December following, five per cent. shall be added thereto and collected with the amount of such tax, and interest after the time of sale, as before provided, at the rate of twenty-five per cent. shall be chargeable on the amount of such tax, including the five per cent. added thereto as aforesaid.

CHAPTER IX.—FIRE DEPARTMENT.

For the preventure of fires

SEC. 1. The Common Council, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings, or buildings of other materials that shall not be considered fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within the limits prescribed shall be made and constructed of fire-proof materials, and to prohibit the repairing or re-building of wooden buildings within the fire fire limits when the same shall have been damaged to the extent of fifty per cent. of the value thereof, and to prescribe the manner of ascertaining such damage.

Powers of the council

SEC. 2. The Common Council shall have power to prevent the dangerous construction and condition of chimneys, fireplaces, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building, and to cause the same to be removed or placed in a safe and secure condition when considered dangerous;

To prevent the deposit of ashes in unsafe places, and throwing of ashes in the streets and highways;

To require the inhabitants to provide as many fire-buckets and in such manner and time as they shall prescribe, and to regulate the use of them in time of fire;

To regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires;

To regulate and prevent the use of fireworks and firearms;

To compel the owners or occupants of buildings to have scuttles in the roofs, and stairs or ladders to the same;

To authorize the Mayor, Aldermen, Fire-Wardens, and other officers of the city, to keep away from the vicinity of any fire all idle and suspected persons; and to compel all bystanders to aid in the extinguishment of fires and in the preservation of property exposed to dangers thereat; and generally to establish such regulations for the prevention and

extinguishment of fires as the Common Council may deem expedient.

SEC. 3. The Common Council shall have power to purchase fire-engines and other fire apparatus, and to authorize the formation of fire-engine, hook-and-ladder and hose companies, and to provide for the due and proper support and regulation of the same; and to order such companies to be disbanded, and their meeting to be prohibited, and their apparatus to be given up. Each company shall not exceed one hundred able-bodied men, between the ages of eighteen and fifty years, and may elect their own officers and form their own by-laws, not inconsistent with the laws of this State or the ordinances of said city, and shall be formed only by voluntary enlistments. Every member of each company hereby authorized to be formed shall be exempt from highway work and poll-tax, from serving on juries, and from military duty, during the continuance of such membership; and any person having served for the term of five years in either of said companies shall be forever thereafter exempt from serving on juries, from poll tax, and from military duty except in cases of insurrection and invasion.

Purchase fire apparatus

SEC. 4. There shall be a meeting of the members of said Companies on the third Monday of November in each year, at such places as may be designated by the Chief Engineer, when they may nominate and recommend to the Common Council for appointment one Chief Engineer and two Assistant Engineers, and the Common Council shall thereupon confirm said nominations; and the persons so appointed shall persorm such duties as the Common Council shall prescribe.

Meeting of fire companies

SEC. 5 At the same time, the members of said Companies shall nominate and the Common Council shall appoint the same three Fire Wardens, who shall perform such duties as the Common Council prescribe; and they may at any time enter into or upon any house, barn, or other building or enclosure, for the purpose of inspecting the same.

Fire wardens

SEC. 6. The net proceeds of all fines and penalties recovered for the breach of any ordinance, by-law, or regulation made in pursuance of this chapter, shall be paid to the fire department.

Fines paid to fire departm't

SEC. 7. Whenever any person shall refuse to obey any lawful order of any Engineer, Fire Warden, Mayor or Alderman, at any fire, it shall be lawful for the officers giving such order to arrest, or to direct orally any constable, police officer, watchman or any citizen to arrest such person, and to confine him temporally in any safe place, until such fire shall be extinguished; and in the same manner, such officers or any of them may arrest or direct the arrest and confinement of any person at such fire who shall be intoxicated or disorderly; and any person who shall refuse to obey any such lawful order, or who shall refuse to arrest or aid in arresting any person so refusing shall be liable to such penalty as the Common Council may prescribe, not exceeding fifty dollars.

Punishment for disobeying orders

CHAPTER X.—Miscellaneous Provisions.

Work to be let by contract

Sec. 1. All work for the City, or either of the Wards, exceeding fifty dollars, shall be let by contract to the lowest responsible bidder; and notice shall be given of the time and place of letting such contracts, and every contract so made shall be commenced within one week of the acceptance of the proposal, unless the Common Council shall determine otherwise; *Provided*, That they shall have power to reject all unreasonable bids.

Money to be appropriated

Sec. 2. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act, and no vote of the Common Council shall be reconsidered or rescinded at a special meeting, unless, at such special meeting there be present as large a number of Aldermen as were present when such vote was taken.

Penalties

Sec. 3. No penalty for judgment recovered in favor of the City shall be remitted or discharged, except by a vote of two thirds of the Aldermen elect.

Actions

Sec. 4. All actions brought to recever any penalty or forfeiture under this act, or the ordinances, by-laws, or police, or health regulations made in pursuance thereof, shall be brought in the corporote name of the City.

Prosecutions

Sec. 5. In all prosecutions of any violation of this act, or of any by-law or ordinance of the City of Saint Paul, the first process shall be a warrant; *Provided*, that no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota, or ordinance of the City of Saint Paul, but the person or persons so arrested may be proceeded against, tried, convicted and punished, or discharged in the same manner as if the arrest had been by warrant. All warrants, process or writs by the City Justice, for violations of any ordinance, or by-laws of said City shall run in the name of the City of Saint Paul, and shall be directed to the chief of police, or any police officer of said City.

Imposition of fines and penalties

Sec. 6. In all cases of the imposition of fine or penalty, or of the rendering of a judgment by the City Justice of said City, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance or by-law of the City of Saint Paul, as a punishment for any offence, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the City Prison of said City, or if there be no such prison, to the common jail of Ramsey County; and be there imprisoned for a term not exceeding six months, in the discretion of the City Justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offence whatever, until the time of the trial, the person or persons so arrested may be imprisoned in the said City Prison, or in case there be no such prison, in the common jail of the County of Ramsey.

Relative to witnesses

SEC. 7. No person shall be an incompetent Judge, Justice, Witness or Juror, by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Relative to ordinances

SEC. 8. All ordinances, regulations or resolutions now in force in the City of Saint Paul, and not inconsistent with this Act, shall remain in force under this Act, until altered, modified or repealed by the Common Council after this Act shall take effect.

Rights vested in the city

SEC. 9. All actions, rights, fines, penalties and forfeitures in suit or otherwise, which have accumulated under the several Acts consolidated herein, shall be vested in and prosecuted by the corporation hereby created, and all fines, penalties, judgments and moneys, (except officers' fees) that may be imposed, levied or collected by the City Justice, or that may be collected by any other officer of said city, and all that have heretofore been levied, imposed or collected by any of the city officers, for any violation of any by-law or ordinance of said city, or of any of the laws of the State of Minnesota, shall be vested in and be the sole and exclusive property of the said city.

Relating to elections

SEC. 10. If any election by the people or Common Council shall, for any cause, not be held at the time or in the manner herein prescribed, or if the Common Council shall fail to organize as herein provided, it shall not be considered reason for arresting, suspending, or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the Common Council, and if any of the duties enjoined by this Act, or the ordinances or by-laws of the city, to be done by any officer at any specified time and the same are not so done or performed, the Common Council may appoint another time at which the said acts may be done and performed.

Relative to suits against the city

SEC. 11. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the Mayor, and it shall be the duty of the Mayor forthwith to inform the Common Council thereof, or to take such other proceedings as by the ordinances or resolutions of said Council may be in such case provided.

Property exempt from taxation

SEC. 12. The following property now or at any time hereafter, belonging to said city or either of the Wards thereof, shall be exempt from levy and sale under or by virtue of any execution: Engine-houses, hook and ladder houses, together with the grounds and lots on which they are situated, and all fire-engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by any company created or authorized by the Common Council of said city; market-houses, and the furniture thereof, City Hall and furniture of Common Council and office-rooms; *Provided*, That nothing herein contained shall exempt any of the aforesaid real or

personal property from levy and sale by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any such fire apparatus to, or on the credit of said city. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation be levied on and sold by virtue of any execution issued to satify or collect any debt, obligation or contract of said city.

Grade of streets

SEC. 13. The Common Council shall cause to be established, under the direction of the City Surveyor, the grade of all streets, side-walks and alleys in said city, and shall cause accurate profiles thereof to be made, one of which shall be recorded in the office of Register of Deeds of Ramsey county; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land or tenement which may be affected or injured in consequence of the alteration of such grade.

Personal estate

SEC. 14. The said city may lease, purchase and hold real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and and the same shall be free from taxation.

Special taxes

SEC. 15. Real estate exempted from taxation by the laws of the State, shall be subject to special taxes as other real estate under this Act.

State laws

SEC. 16. No law of this State contravening the provisions of this Act shall be considered as repealing, amending or modifying the same unless such purpose be expressly set forth in such law.

The city not liable for jail fees

SEC. 17. The City of Saint Paul shall not be liable in any case for the board or jail fees of any person who may be committed by any officer of the city or any magistrate, to the Jail of Ramsey county, for any offense punishable under the State laws.

Council to constitute any Ward a Road District

SEC. 18. The Common Council may constitute any Ward a Road District, and require the Street Commissioners of the proper Ward to collect the poll tax; such Street Commissioner shall have all the powers of Road Supervisors, as provided in the Revised Statutes of this State, and shall report to the Common Council when required; *Provided, however*, The Street Commissioner shall receive his compensation out of the moneys collected on such poll tax; and that in no case shall any moneys be drawn either from the Ward or City funds for the compensation of Road Masters, or for any work performed by them or under their supervision.

What shall affect a tax lien

SEC. 19. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall direct or affect the lien of any assessment for any tax, or for any improvements, works or benefits chargeable to or assessed against property under this Act, although the confirmation of such assessment may be subse-

quent to the lien of such judgment, decree or other lien, or to such transfer or mortgage.

Additional remedies for the collection of taxes

SEC. 20. In addition to the remedies herein provided for the collection of taxes and assessments, suit may be instituted by the said city, in the District Court in and for Ramsey county, or before any Justice of the Peace residing in said city, to recover any tax or assessment for work or improvements or benefits chargeable to lots under this Act against the parties liable therefor, or owners of such property so taxed or assessed, in the same manner as other suits are instituted under the laws of this State; and in case the parties defendant cannot be found within the county of Ramsey, publication in the official newspaper of said city of the summons for six weeks once a week, shall be deemed and be equivalent to actual service; and it shall be sufficient to state as the cause of action in the complaint, that the city of Saint Paul, by virtue of its corporate powers, on a certain day made and confirmed, a certain assessment on certain property of the defendant or defendants, specifying the amount, the property assessed, and the nature and purpose of the assessment; and a transcript of such assessment for taxes, improvements or benefits, duly certified by the City Clerk, shall be *prima facie* evidence of the facts therein set forth, and that such assessment was regular and legally and duly made, and a judgment thereon entered shall bear interest at the rate of thirty per cent. per annum.

Certificate used by aldermen

SEC. 21. Nothing in this Act shall impair the validity, force or effect of any certificate which may have been issued heretofore by the Aldermen of said city as Street Commissioners to Contractors, and all remedies heretofore in force for the collection of such certificates by entering them on the assessment roll, suit or otherwise, shall continue in force for that purpose; and where any contracts heretofore entered into by the Aldermen of said City as Street Commissioners, providing for the issuance of such certificates has not yet been completed, certificates in such case may be issued by the Aldermen of the proper Ward, with the same effect and under the same regulations as heretofore.

The Common Council shall have power to direct orders to be drawn on the City Treasurer for the amount of all or any portion of such certificates outstanding, or which may be hereafter issued, as provided in this section, upon such certificates being delivered up by the holders thereof, for the use of said City, and in such case the said City shall possess, and be vested with the same rights therein, and be entitled to the same remedies for the collection thereof, as the holders of the same; orders drawn for the purposes aforesaid, shall be charged to the fund of the proper Ward, and such certificates when collected, shall be credited to such Ward fund.

SEC. 22. Nothing in this act shall be construed to supersede any officer or officers of said city, now acting by virtue

Officers to continue in office

of the act incorporating said City or acts amendatory thereto heretofore passed, such officer or officers shall continue in office as heretofore, until his or their term of office shall expire.

Publications

SEC. 23. The Common Council shall cause all publications made by authority of the City, to be inserted in the first columns of the third page of the newspaper doing the City printing.

More Wards may be created

SEC. 24. The Common Council shall have power to divide the said city into more Wards, and to define the boundaries thereof, by an ordinance prepared for the purpose: *Provided*, The same shall be passed, by a vote of a majority of all the Aldermen elect: *Provided further*, That no division of the said city into Wards shall be made before the next election for municipal purposes, and the Aldermen elected thereat shall have qualified and taken their seats.

Relating to former acts

SEC. 25. All Acts or parts of Acts heretofore passed, for the incorporation of the City of Saint Paul, and amendatory thereto, not necessary to carry out any provisions of this Act, nor contained in, or incorporated herein, and all Acts inconsistent with this Act are hereby repealed: *Provided*, That nothing herein contained shall affect or impair the force of an Act, entitled "an Act to authorize the Common Council of the City of Saint Paul to issue bonds for certain purposes, passed March 1, 1856; or an Act entitled an Act to authorize the Common Council of the City of Saint Paul, to issue bonds for the construction and completion of the Robert Street Sewer, Approved January 18, 1858," or an Act, entitled "an Act to authorize the City of Saint Paul to loan its bonds to the Saint Paul Bridge Company."

Deemed a public act

SEC. 26. This Act shall be deemed a public Act and take effect from and after its passage; and that no more than six days notice shall be required of the first election, to be held under this Act, any thing contained in the same to the contrary notwithstanding.

GEORGE BRADLEY,
Speaker of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 9, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER II.

An Act to incorporate the City of Wabashaw.

CHAPTER 1. City Boundaries.
2. Election of Officers, and vacancies.
3. Powers and Duties of Officers.
4. City Council—Its powers and Duties.
5. Taxes. Manner of Assessment, Levying and Collecting.
6. Opening of Streets, Lanes, &c.
7. Miscellaneous Provisions.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.—CITY BOUNDARIES.

SECTION. 1. All that part of the county of Wabashaw, contained within the limits and boundaries hereinafter described, shall be a city by the name of the city of Wabashaw, and the people now inhabiting and those who shall hereinafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of Wabashaw, and in addition thereto, shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being pleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure. Corporation

SEC. 2. Territory included within the following boundaries and limits, shall constitute the city of Wabashaw, viz: Beginning at a point in the Mississippi River on the dividing line between Wisconsin and Minnesota, at the mouth of a small creek, called Smith's creek, between Wabashaw and Reed's Landing; thence up said creek to the west line of township No. 111, range 10; thence along said township line to the south-west corner of section 6 in township 110, range 10; thence along the south line of sections 6, 5 and 4 of township 110, range 10, to the south-east corner of said section 4; thence north along the east line of said section 4, township 110, range 10 and section 33, township 111, range 10, to the Wisconsin line; thence along the Wisconsin line up to the place of beginning. Boundaries

CHAPTER II.

SEC. 1. The annual elections of city officers shall be held on the first Tuesday of April of each year, at such place within the city as the Common Council shall designate, and Elections.

the polls shall be kept open from twelve o'clock at noon until four in the afternoon, and ten days previous notice shall be given by the City Council of the time and place of holding such elections, and the officers to be elected, by posting notices thereof in three of the most public places in the city and by publishing the same in all the papers published in the city.

Elective officers

SEC. 2. The elective officers of said city, shall be a Mayor, Recorder, one Justice of the Peace and three Aldermen; all other officers necessary for the proper management of the affairs of said city, shall be appointed by the Common Council. All elective officers shall hold their respective offices for one year, and until their successors are elected and qualified: *Provided, however*, That the Common Council shall have power for due cause to expel any of their own members and to remove from office, at pleasure, any officer or agent under the city government, due notice first being given to the officer complained of.

Vacancies how filled

SEC. 3. Whenever a vacancy shall occur in the office of Mayor, such vacancy shall be filled by a new election, which shall be ordered and held within twelve days after such vacancy shall occur; any vacancy occurring in any of the other offices, shall be filled by the Common Council, the person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Plurality of vote for an election

SEC. 4. All elections by the people shall be by ballot, and plurality of votes shall constitute an election. Whenever two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the Common Council, at such time and in such manner as they may direct.

Who may vote

SEC. 5. All persons entitled to vote for County and State officers, and who have resided in the city four months next preceding the election, shall be entitled to vote for any office to be elected under this law and to hold any office hereby created.

Manner of holding election

SEC. 6. The elections in said city shall be held and conducted by the Aldermen, or any two of them, who shall be Inspectors of Election, and who shall take the oath or affirmation prescribed by the general laws of this State, to be taken by the Judges or Inspectors of Election and the Recorder, or in his absence, some person to be appointed by the Inspectors, shall be Clerk. The Inspectors shall have power, in the absence of the Recorder, to appoint a Clerk and to administer the necessary oaths. Said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the Board of Inspectors thereof filled, as required by the general laws of this State regarding elections.

Oath on challenge of vote

SEC. 7. If either of the Inspectors shall suspect that any person offering to vote does not possess the qualifications of an elector, the Inspectors, before receiving the vote of any such person, shall require him to take the following oath: You do solemnly swear, (or affirm, as the case may be,) that you are twenty-one years of age; that you are a citizen of the United States, or have declared your intentions to become a citizen conformably to the laws of the United States on the subject of naturalization; that you have resided in this city four months; and that you have not voted at this election, and that you have made no bet or wager depending on the result of this election. And if any person offering to vote shall take such an oath, his vote shall be received, otherwise rejected. And if any person shall take such an oath falsely, he shall be guilty of wilful and corrupt perjury. If any person who is not a qualified voter, shall vote at such election, he shall be liable to indictment, and on conviction thereof, he shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the Inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall swear in their votes, and if any Inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or if any clerk shall intentionally or corruptly fail to write down the name of every voter as he votes, each and every such Inspector and clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars. All such indictments shall be tried in the District Court in the county of Wabashaw.

Penalty for illegal voting

Inspector's duty

Return of election

SEC. 8. When an election shall be closed and the number of votes for each candidate or person voted for counted and ascertained, the said Inspectors shall make returns thereof, stating the number of votes for each person for each and every office, and shall deliver, or cause to be delivered, such returns to the city Recorder, who shall forthwith give notice to each of the persons so elected, of their respective elections.

Special election

SEC. 9. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the Aldermen in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and within such time as may be prescribed by ordinance.

Failure of officer to enter upon duty

SEC. 10. Any officer moving from this city, or any officer who shall neglect or refuse after ten days notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the common council may proceed to fill such vacancy as herein prescribed or provided by ordinance, not to conflict with the provisions hereof.

Failure to elect

SEC. 11. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the common council may order a new election to be held, ten days notice of the time and place of holding the same to be given as in general election.

CHAPTER III.

Oath of office to be taken

SEC. 1. Every person elected or appointed to any office under this act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same duly certified by the officers taking the same, with the Recorder of the city, and the Treasurer and Marshal and such other officers as the common council may direct, shall severally, before they enter upon the duties of their respective offices, execute to the city of Wabashaw, a bond with at least two sureties, to be approved by the Common Council, and such bond shall contain such conditions as the Common Council may deem proper, and they may require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Bond and sureties

Mayor, his duties

SEC. 2. The Mayor shall, when present, preside over the meetings of the Common Council, and take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed, and all other executive officers of the city discharge their respective duties. The Mayor, or two aldermen may call special meetings of the Common Council. He shall inspect the conduct of all subordinate officers, and cause negligence and persistent violations of duty to be prosecuted and punished, and may require of any officer of the city, wherever he may deem it necessary, an exhibit of his books and papers. He shall from time to time communicate to the Common Council, and recommend such measures as he may deem advantageous to the city. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act, and is hereby authorized to call upon every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid him in suppressing the same, or carrying into effect any law or ordinance. Any person who shall not obey such call, shall forfeit to said city, a fine not exceeding twenty-five dollars, and not less than five dollars.

Mayor, neglect of duties

SEC. 3. In case the Mayor shall be guilty of any wilful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof, shall pay a fine of not more than five hundred dollars, and the court shall have power, upon the recommendation of the jury in said case, to add to the judgment for the fine, that he be removed from office.

SEC. 4. In case the Mayor shall be absent from any meet-

ing of the Common Council, they shall proceed to elect from their own number, a temporary presiding officer, who, for the time being, shall discharge all the duties of Mayor. In case of the absence of the Mayor from the city, or his inability from any reason to discharge the duties of his office, the Council shall elect by ballot, from their own number, an officer who shall be styled acting Mayor, and all acts performed by him shall have the same force and validity as if performed by the Mayor. Absence of Mayor

Sec. 5. The Recorder shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the Common Council. He shall draw and countersign all orders on the Treasury in pursuance of any order or resolution of the Common Council, and keep a full and accurate account thereof in books provided for that purpose, and make a fair and full record of all the by-laws, rules or ordinances made or passed by the Common Council. The Recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office, and transcripts from the records of the Common Council certified by him under the corporate seal, shall be evidence in all courts in like manner as if the original were produced. He shall report annually on or about the first day of May, to the Council, an estimate of the expenses of the city for the current year and revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of May. He shall make, or cause to be made, estimates of the expense of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work by any officer of the city or any committee of the Common Council. He shall negotiate, between the first day of May and the time of collection of taxes for the same year, such temporary loans for the city as the Council shall direct, anticipating the revenue for the current year, and such loans shall be subject to the approval of the Comon Council. He shall examine the reports, books, papers, vouchers and accounts of the Treasurer, and from time to time perform such other duties as the Council shall direct. All claims against the city before they are allowed by the Common Council, shall be audited and adjudged by the Mayor. The Recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. He shall not be directly, or indirectly, interested in any contract or job to which the city is a party, or in any loan negotiated by the city. Recorder, his duties

Sec. 6. The Common Council shall have power to elect any Attorney for the city, who shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any subject submitted to him by the Common Council or its committees. City attorney

Sec. 7. The Treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof,

Treasurer

in such manner as the Common Council shall from time to time direct. The Treasurer shall exhibit to the Common Council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also the state of the Treasury, which account shall be filed with the recorder.

Marshal

SEC. 8. The Marshal shall execute such orders as are made, and perform such duties as are prescribed by the Common Council for the collection of tolls, license moneys, and fines for the preservation of the public peace, for the good order, cleanliness and government of the city, and for all other purposes. He shall possess the powers of a Constable at common law, and under the statutes of this State, and receive like fees, but shall not serve civil processes except when the city is a party, and shall be collector of taxes.

Powers of counsel to prescribe further duties for officers

SEC. 9. The Common Council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this act, and to prescribe their duties and fix the compensation of all officers elected or appointed by them; such compensation shall be fixed at the time the office is created or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The Common Council may at any time fix the compensation for any officers or committees for any incidental service by them performed.

Official newspapers

SEC. 10. The Common Council at their first meeting in each year, or as soon thereafter as may be, shall designate what newspapers printed in the city, and how many, in which shall be published all the ordinances and other proceedings and matters required by this act, as by the by-laws or ordinances of the Common Council to be published in a public newspaper.

City Printer

SEC. 11. The city printer or printers, immediately after the publication of any notice, ordinance, or resolution, or other matter which by this act or by city ordinance shall be required to be published, shall file with the Recorder a copy of such publication, with his affidavit, or the affidavit of his foreman, of the length of time the same has been published, and such affidavit or affidavits shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Failure of officers to deliver up books

SEC. 12. Any person having been an officer of said city, shall, within ten days after notification and request, deliver to his successor in office, all property, books, papers, and effects of every description in his possession, belonging to said city, or pertaining to the office he may have held; if he fails so to do after such notification and request, he shall forfeit and pay to the use of the city, one hundred dollars, be-

sides all damages caused by his neglect or refusal so to deliver, and such successor may recover the possession of such books, papers and effects in the manner prescribed by the laws of this State in cases of unlawful detention.

Contracts—members of council not to be interested in

SEC. 13. No member of the Common Council shall be a party to, or interested in any job or contract with the city, and any contract in which any member of the Common Council may be so interested, shall be null and void.

Peace officers defined

SEC. 14. The Mayor, Sheriff of Wabashaw county, and each and every Alderman, Justice of the Peace, Marshal, Recorder, and constables of the townships or precincts of which said city is a part, shall be officers of the peace, and may command the peace and suppress in a summary manner all rioting and disorderly behavior within the limits of the city, and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of twenty-five dollars.

City justice, his duties

SEC. 15. The Justice of the Peace for the city shall possess all the authority, power and rights of a Justice of the Peace, except he shall in no case entertain any civil proceeding to which the city is not a party, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace, but warrants returnable before the said city Justice may be issued in criminal cases by any Justice of the Peace of the said county of Wabashaw, but no fees shall be received therefor by such Justices; said Justice shall have exclusive jurisdiction in all cases in which the city is a party, and he shall have the same power and authority in cases of contempts as other Justices of the Peace, provided, that nothing herein contained shall be deemed to divest the District Judges or Judges of the Supreme Court of their authority as conservators of the peace. In case of absence or sickness, or other disability of said Justice, or for any sufficient reason, the Mayor by warrant may authorize any other Justice of the Peace within the limits, or either one of the Aldermen of said city, to perform the duties pertaining to the office of said Justice, and the Mayor shall thereupon inform the city Attorney and Marshal of such appointments, and make report thereof to the City Council and they shall confirm or set aside such appointment, or appoint some other Justice or Alderman, and the person so appointed shall for the time being and until his appointment is vacated, possess all the authority, powers and rights appertaining to the office of Justice of the Peace for the city; provided, nothing herein contained shall be deemed or so construed as to oust the city Justice of the Peace of his jurisdiction, but the Justice so appointed until his appointment is vacated, shall have concurrent jurisdiction with the city Justice and shall receive like fees for his services as said Justice of the Peace for the city.

Justice to make report to council

SEC. 16. The said Justice of the Peace shall quarterly report to the Common Council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof, and shall at the same time account for and pay over the amount of all penalties and costs collected which may by law accrue to the city, and he shall be entitled to receive from the county of Wabashaw, such fees in criminal cases as are allowed to other Justices in said county for similar services.

City Surveyor

SEC. 17. There shall be annually appointed by the Common Council, a City Surveyor, who shall hold his office for one year and until his successor shall be appointed and qualified, and the Common Council shall prescribe his duties and fix the fees and compensation for any services performed by him. All surveys, profiles, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the Recorder, open to the inspection of the parties interested.

CHAPTER IV—THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

Who are the common council

SEC. 1. The Mayor, Aldermen and Recorder, shall constitute the Common Council, and the style of all ordinances shall be, "The Common Council of the city of Wabashaw do ordain." The Common Council shall meet at such time and place as they may direct. And a majority shall constitute a quorum. The Common Council shall determine the rules of its proceedings, and be the judges of the election and qualification of its own members, and have the power to compel the attendance of absent members.

Powers of the council

SEC. 2. The Common Council shall have the management and control of the finances, and of all the property of the city; and the Common Council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct, and repeal, all such ordinances, rules and by-laws, for the government and good order of the city; for suppression of vice as they shall deem expedient: and declare and impose penalties, by fine and imprisonment, or both, and to enforce the same against any person or persons who violate any of the provisions of such ordinances, rules or by-laws, and which ordinances, rules and by-laws, are hereby declared to be and have the power of law; and for those purposes shall have authority by ordinances, resolutions or by laws, provided they be not repugnant to the Constitution and Laws of the United States, and of this State.

To grant licenses

1st. To license and regulate the exhibition of common showmen, or shows of any kind or the exhibition of Caravans, Circuses, or Theatrical performances, Billiard Tables, Bowling Saloons, and to provide for the abatement and removal of all nuisances under the ordinances, or at common law, or under this

act; and to grant licenses and to regulate groceries, taverns, victualling houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors; *provided*, that the license for so dealing in spirituous, vinous, fermented or intoxicating liquors, shall be at least fifty dollars, and as much higher as the Council may direct; and shall be for the current year, which shall expire on the second Monday in May.

2nd. To restrain and prohibit all E. O or Rolette Tables, Faro or Pharo Banks, and all gaming with Cards, and all gambling tables, and to prohibit the use of all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all descriptions of gaming and fradulent devices and practices, and playing of cards, dice or other games of chance, for the purpose of gaming in said city; and to restrain and prohibit any person from vending, giving or dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind, and impose such restrictions, or prohibitions by fine or imprisonment, or by both fine and imprisonment. To restrain gambling and tippling houses

3rd. To prevent any riots, noise, disturbance, disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame; and to authorize the destruction of all instruments used for the purposes of gaming, and of all spirituous, vinous, fermented, mixed or intoxicating liquors of any kind that may be kept for sale or dealt in contrary to any ordinance of the city. To prevent riots

4th. To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same from time to time, as often as they may be deemed necessary for the health, comfort and convenience of the inhabitants of the city. To make health regulations

5th. To direct the location and management of slaughter-houses and markets in said city, and to regulate the sale, storage, keeping and conveying of gunpowder or other combustable materials. Slaughter houses &c

6th. To prevent the encumbering of streets, side-walks, lanes or alleys, with carriages, carts, wagons, boxes, sleighs, fire-wood, lumber or any other material or substance whatever. Streets

7th. To prevent horse-racing, immoderate riding or driving in the streets; and to regulate the places of bathing and swimming in the water within the limits of said city. Horse racing

8th. To restrain the running at large of cattle, horses, mules, swine, sheep, poultry and geese, and to authorize the impounding, destraining and sale of the same. Public pounds

9th. To prohibit the running at large of dogs, to impose fines upon their owners, and to authorize the destruction of the same when at large contrary to ordinances. Dogs

10th. To prevent any person from bringing, depositing or

having within the city, any putrid carcass, or other unwholesome substance, and to require the removal of the same, by any person who shall have the same upon his premises, or from any street, lane or alley; if he shall have thrown or put the same in any street, lane or alley, and in default to authorize the removal thereof by any competent person, at the expense of such person or persons.

Health

11th. To make and establish public grounds, pumps, wells, cisterns and reservoirs, and to provide for the erection of water-works, for the supply of water to the inhabitants, to erect lamps or other means whereby to light the city, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the city.

Licenses &c

12th. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burial grounds, set apart for public use, from taxation.

Burial grounds &c

13th. To regulate the size and weight of bread, and to provide for the seizure and forfeiture of bread, baked contrary thereto.

Assize and w'ght of bread

14th. To prevent all persons riding or driving any ox, cow, horse, mule or other animal on the side-walks of the city, or in any way doing damage to such side-walks.

Sidewalks

15th. To prevent the shooting of fire arm, crackers, rockets, or other projectiles, and to prevent the exhibition of any fireworks in any situation which may deemed by the Council dangerous to the city or any property therein, or annoying to any citizens thereof.

Firearms

16th. To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places, and to provide for assisting, removing and punishing any person who may be guilty of tne same.

Drunkenness

17th. To restrain runners and solicitors for boats, vessels, stages, public houses, rail roads, and other establishments, and to regulate the police of the city.

Runners

18th. To establish public markets, and to enforce rules and regulations for the government of the same.

Markets

19th. To regulate the place and manner of selling and to provide for the inspection and weights of hay, and stone-coal, and measuring of charcoal, fire wood, and other fuel, and to appoint suitable persons to superintend and conduct the same.

Hay wood &c

20th. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the side-walks, streets or alleys opposite thereto, and in his default, to authorize the removal or destruction thereof by some officer of the city, at the expense of such owner or occupant.

Sidewalks

21st. To regulate the construction of wharves or grading such wharves into the Mississippi river within the corporate limits of the city, and to prescribe and control the prices of wharfage thereon.

Wharves

22nd. To regulate, control and prevent the landing of persons from vessels or boats wherein are contageous or infectious diseases or disorders, and to make such regulations as they shall deem proper, to prevent the introduction of contageous diseases into the city. Infectious diseases

23rd. To regulate the time, place and manner of holding public auctions or vendues. Auctions

24th. To provide by ordinance for a standard of weights and measures, and for punishment for the use of false weights and measures. Weights and measures

25th. To appropriate money and provide for the payment of the debts and expenses of the city. Payment of debts

26th. To alter, abolish, open, widen, extend, establish, grade, repair or otherwise improve or keep in repair, streets, avenues, lanes and alleys. Streets

27th. To establish and regulate night watches. Night watches

28th. To provide for the erection of all needful buildings for the use of the city. Erection of buildings

29th. To provide for the enclosing, improving, and regulating of all public grounds to the city, and for the adorning of the streets with shade trees. Public grounds

30th. To regulate and tax merchants, retailers, taverns, groceries, ordinances, hawkers, pawn brokers, and money changers. Hawkers

31st. To license and regulate porters, and fix the price of porterage. Porters

32nd. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, lard, butter, and other provisions. Provisions

33rd. To regulate and order parapet walls and other partition fences. Fences

34th. To provide for taking from time to time the enumeration of the inhabitants of the city. Census

35th. To provide for the limits within which wooden buildings or buildings of other materials that shall not be deemed fire-proof, shall not be erected, or repaired, and to direct that all and any buildings within the limits prescribed, shall be made and constructed of fire-proof materials, and to prohibit the repairing or rebuilding of wooden buildings within such limits, when the same shall have been damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damages. Fire Limits

36th. To prevent the dangerous construction, placing and condition of chimneys and fire places, hearths, stoves, stove-pipes, ovens, boilers and all appurtenances used in and about any building, and to cause the same to be removed, or placed in a safe and secure condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city limits. Prevent fires

37th. The Common Council shall have power to purchase fire engines and other fire apparatus, to authorize the forma-

tion of fire engine, hook and ladder, and hose companies, and to provide for the due support and regulation of the same, and to order such companies to be disbanded and their apparatus to be delivered up; each company shall not have to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of every such company shall be exempt from poll tax, from serving on juries, and from military duty during the continuance of such membership.

Fire company

Manner of passing ordinances and their publication

SEC. 3. All laws, ordinances, regulations, and by-laws, shall be passed by an affirmative vote of the majority of the Common Council and be signed by the Mayor, and shall be published in the official paper or papers of the city, or posted in three of the most public places in the city, before the same shall be in force, and within twenty days thereafter they shall be recorded by the Recorder in books to be provided for that purpose, but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the posting of the same or the publication thereof, as aforesaid, respectively shall be proved by the affidavit of the foreman or publisher of such newspaper, or the certificate of the Recorder of such posting, and the said affidavit or certificate shall be recorded therewith and at all times shall be deemed and taken as sufficient evidence of the time, manner and place of such publication or posting. No appropriation shall be made without a majority of the Common Council voting in favor of it, and the vote shall be taken by ayes and noes and entered with the proceedings of the Council.

Suits at law

SEC. 4. The powers conferred upon the Common Council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the courts according to law. Houses or buildings of any kind, wherever more than twenty pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns or beer shops, or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away, or dealt in without license required therefor within the limits of the city, are hereby declared and shall be deemed public or common nuisances.

Accounts of city officers to be examined

SEC. 5. The Common Council shall examine and adjust the accounts of the Treasurer, Marshal, Recorder and all other officers and agents of the city, at such times as they may deem proper, and at the end of each year and before the term for which such officers were elected or appointed have expired; and the Council shall require each and every such officer and agent to exhibit his books, accounts and vouchers for such information and settlement, and if any such public officer or agent shall refuse to comply with the order of the Council in the discharge of their duties in pursuance of this section, the Council shall declare the office of such person vacant, and may commence suit or proceedings at law against

any such officer or agent who may be found delinquent as defaulting in his accounts or in the discharge of his official duties. The Council shall make full records of all such statements and adjustments.

Streets, &c.

SEC. 6. The Common Council shall have power to order and contract for the making, grading, repairing, cleansing, improving and adorning of the streets, lanes, alleys, public grounds, reservoirs, gutters, sewers, and wharves within the city.

Sidewalks.

SEC. 7. Whenever the Common Council shall deem it necessary to construct or repair any side-walk within the city, they shall direct the owner or occupants of any lot adjoining such side walk, to make or repair the same at his or their own proper cost and charge, and in such a manner and within such time as in such direction prescibed. If such work is not done in manner and within the time specified, the Common Council shall cause the same to be done at the expense of the lots adjoining such sidewalks.

Street improvements how to be paid

SEC. 8. The costs and expenses of surveying streets, lanes, alleys, sidewalks, sewers, public grounds, and reservoirs, and estimating work thereon, and of clensing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be paid out of the city funds; opening, grading, graveling, planking or paving the streets and alleys to the center thereof, shall be chargeable to and payable by the lots fronting on such streets or alleys; sewers may be ordered by the Common Council at the expense of the lots or parcels of land to be benefitted thereby, and which shall be apportioned by said Common Council among said lots or parcels of land.

SEC. 9. Whenever the Common Council shall determine to make any public improvements, as authorized by sections six, seven and eight of this chapter, they shall cause to be made an estimate of the whole expense thereof and the proportion to be assessed and charged to each lot, and in case of grading said streets, alleys, or sidewalks, of the number of cubic yards to be filled in or excavated in front of each lot, and such estimates to be filed in the office of City Recorder for inspection of persons interested. The Common Council shall give notice by advertisement for two weeks in the official paper, to the owner or occupants of the lots or parcels of land fronting on any street, alley, or sidewalk ordered to be graded, graveled, planked or paved, requiring them to do the work mentioned in said notice within a reasonable time, therein to be specified, and if said work is not done within such time, the Common Council shall enter into contract for the doing thereof.

Street improvements

SEC. 10. Whenever the interest of the city requires deep cutting or extraordinary filling in any street, and the owners of the lots or parcels of land fronting on such deep cutting or filling shall deem themselves aggrieved thereby, and shall represent to the Common Council, in writing, that the ex-

penses of such excavating or filling will exceed the benefit the same will be to the property assessed therefor, the Common Council shall appoint five freeholders, not interested in said lots or parcels of land, who first being duly sworn faithfully and impartially to perform the trust reposed in them, shall examine the premises. If those first appointed refuse or are incapacitated to serve, the Council shall appoint others in their stead. Upon examination of said premises, if in their opinion the cost of such improvement shall exceed the benefits to be derived therefrom, it shall be their duty to report to the Common Council, specifying in said report what portion of the work to be performed shall be chargeable to such lots, and how much or what portion shall be chargeable to the city funds, and such part or proportion as shall be so reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same and levied and collected as other taxes or assessments, and the remainder shall be paid out of the city fund: *Provided*, That such representation or petition shall not be received unless presented within ten days after the first publication requiring the work to be done; *And, provided further*, That it shall be the duty of the Common Council to appoint such commissioners whenever it shall appear to them that such lands or lots belong to infants or other persons under legal disability, not reported by guardians.

Wharves

SEC. 11. The Common Council shall have the power to regulate and cause to be constructed, altered and maintained, wharves along the river Mississippi, and shall have and exercise the same control over the river to the eastern boundary of the State of Minnesota, that they possess by virtue of this act over the streets and alleys in said city. The expense of constructing, altering, grading, paving and maintaining the same shall be apportioned by the Common Council among and is hereby made payable by the lots or parcels of land extending to said river, in proportion to the work done opposite to said lot or parcel of land, to be estimated by said Surveyor. *Provided however*, That before causing said work to be done, the same notice shall be given as is required in the cases of grading the streets. *Provided further* That the owners of such lots shall have the same power of petitioning the Common Council, as is provided in section ten of this chapter, in regard to grading of streets and alleys, when the same proceeding shall be had and the work apportioned as herein provided.

Street certificates how to be issued

SEC. 12. After the completion of any contract entered into by the Common Council, for work chargeable to lots or lands by virtue of this act, they shall give to the contractor a certificate under the hand of the Mayor, and seal of the Common Council, stating therein the amount of work done by such contractor, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which

said certificate shall be transferable by endorsement thereon, and shall bear interest at such rate as the Council shall direct, and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed and levied upon the lots or parcels of land, respectively and collected, together with interest up to the time of such collection, such as the certificate shall bear, for the use and benefit of the holder of such certificate as other taxes on real estate are collected by virtue of this act; and if the notice to do the work required shall have been given, no informality or error in the proceedings shall vitiate such assessment, and in no event when work is ordered to be done at the expense of any lot or parcel of land, shall the city be held responsible for the payment thereof.

Appeal

SEC. 13 In all cases where work shall be ordered to be done by the owner of any lot under the provisions of this act, such owner shall make his appeal as hereinafter provided in cases of taking property for the public use at any time within twenty days after the publication of the notice required to be given, and until the expiration of twenty days, no such order shall be given.

CHAPTER V—ASSESSING, LEVYING AND COLLECTING TAXES.

Property subject to taxation

SEC. 1. All property, real or personal, within the city, except such as may be exempted by the laws of the State, or by ordinance of the city, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided, but such assessment shall not exceed five mills on the dollar of real valuation, and all qualified voters shall be liable to a poll tax not exceeding one dollar in any one year, to be levied by the Common Council.

Assessors

SEC. 2. The Common Council shall annually, before the first Monday in March of each year, appoint two persons city Assessors, who shall have and possess the same powers that are or may be enforced by the laws of this State upon township or county assessors, except so far as they may be altered by this act; *Provided*, That the Common Council may prescribe the form of the assessment rolls and may fully define the duties of assessors, and make such rules and regulations in regard to revising, altering or adding to such rolls, as they may from time to time deem advisable.

Oath and duties of assessor

SEC. 3. The assessors so appointed are hereby authorized to administer such oaths as shall be required by this chapter, and within fifteen days after the appointment the said assessors, shall make out a complete and accurate assessment roll, which shall contain a description sufficient to identify the same, of all lands, lots or parcel of lands within said city, and also of all persons or bodies politic, liable to pay taxes on personal property or capitation tax, and opposite to each

parcel or lot of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of the personal property for which such person or body politic shall be assessed. When there are buildings upon any lot or parcel of land, their value shall be set forth in a separate column. The assessors may assess any lot or tract of land in such parcels or sub-divisions as they may deem proper, but it shall not be necessary to enter the name of the owner opposite to every tract or parcel of land.

Objections to assessments how heard

SEC. 4. When the assessment roll shall be completed, the assessors shall fix a time and place when they will meet for the purpose of hearing any objections of parties declaring themselves aggrieved by such assessment, and give one week's notice in the official paper or give notice thereof by posting notices thereof in three of the most public places, in the city, and after hearing such objections the assessors may make such alterations or revisions as justice and equity may require.

Powers of council over assessment roll

SEC. 5. Within six days after the time limited for hearing such objections, the assessors shall return the assessment roll to the Common Council and they shall confirm or refer it back to the assessors. The Common Council shall supply omissions in said roll, and for the purpose of equalizing the same may alter, add to, take from and otherwise revise and correct the same; *Provided*, they do not increase the amount of said roll except by the value of such real property as may be omitted by the assessors.

Filing of the roll

SEC. 6. When the assessment roll shall have been revised and corrected the same shall be filed with the Recorder, and and an order comprising the same shall be entered in the proceedings of the Common Council, thereupon the said Council shall, by resolution levy such sum or sums of money as may be sufficient for the purpose for which taxes are herein authorized to be levied, but not exceeding the authorized limits.

Taxes a lien upon property

SEC. 7. All taxes and assessments general or special, levied under this act, shall be and remain a lien upon the lands and tenements upon which they may be assessed from the time of the order comprising the assessment roll, and upon all personal property of any person or body politic from the delivering of the warrant for the collection thereof to the Marshal until such tax shall be paid, and no sale or transfer of such real or personal estate after said time shall effect said liens. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes upon personal property.

Copy of tax roll to be made out

SEC. 8. As soon as the tax shall be levied, the Recorder shall copy the same in a book provided for that purpose, setting opposite to each tract of land and to each person named under the proper columns, such sum or sums as may have been levied upon such lot or against such person; the said

copy shall be designated the tax list, and to it shall be appended a warrant signed by the Mayor and Recorder, and sealed with the corporate seal of said city, directed to the Marshal requiring and commanding him to collect the taxes and assessments on said list specified in the manner prescribed in this act; and in case said taxes and assessment shall not be paid within such times as herein directed and specified, then, that he shall proceed to sell the several lots or parcels of land or those parts thereof upon which said taxes and assessments shall remain unpaid, and make due return to the Common Council within such time as shall be fixed by said warrant.

Marshal to receive tax roll

SEC. 9. Such tax list before being delivered to the Marshal shall be compared by the Recorder with the assessment roll as confirmed. He shall affix to it his certificate that the same has been so compared by him, and that the whole of said assessment roll has been copied into such tax list; when so certified shall be *prima facie* evidence in any court that the land and persons therein named were subject to taxation and that the assessments were just and equal.

Manner of collecting tax

SEC. 10. On the receipt thereof the Marshal shall give one week's notice thereof in the official paper, or shall give ten days notice thereof by posting up notices in three of the most public places in the city. Such notices shall specify that taxes on personal property shall be paid within thirty days from the first publication of such notice, or from the first day of posting the same, and taxes and assessments on real estate before the first day of August following or the first day of December following, that if such taxes are not paid until after the first day of August, interest will be charged at the rate of three per cent. a month after said first day of August, on all unpaid taxes, and that if paid before said first day of August no interest will be charged, and that all taxes or assessments specified in said tax list, upon which said taxes or assessments shall not be paid on or before the first day of December, shall be sold at a certain time and place to be therein specified, for the payment of such taxes or assessments, and the publication or posting of such notice or notices shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified, shall be deemed a refusal to pay the same.

Collecting tax

SEC. 11. At the expiration of the thirty days mentioned in the preceding section the Marshal shall proceed to enforce the collection of the taxes on personal property in the same manner as prescribed in chapter twelve of the revised statutes of Minnesota Territory, and if such personal taxes shall not be paid or collected in consequence of the neglect or delay of the Marshal, the Common Council may sue for and recover the amount thereof from the Marshal and his sureties.

SEC. 12. On the day and at the place designated in the Marshal's notice, he shall commence by public auction the

Sale of property for taxes

sale of all tracts and lots of land or parts thereof upon which the taxes or assessments shall remain unpaid, and continue the sale from day to day until the whole of such tracts, lots or parts of lots are disposed of; the sale to be made for the smallest undivided portion of the tract for which any person will take the same and pay the taxes and charges thereon. On receiving the amount of such purchase money, the Marshal shall issue to the purchaser a certificate containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear and the time when the right to redeem will expire; the Marshal shall keep a record of the lots or tracts sold, the name of the purchaser, date of sale, the amount received for taxes and charges respectively, the time, when, by whom and for what amount the same was redeemed and the time the same was conveyed if not redeemed. And the Recorder shall act as clerk at such sale.

Purchase money

SEC. 13. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, before ten o'clock on the morning following the day of sale, he shall forfeit and pay to the city five dollars for each lot so purchased and refused or neglected to be paid for, to be sued for and collected as other penalties under this act, and the Marshal shall offer immediately such tract again for sale.

Redemption of property

SEC. 14. Any lot or tract of land so sold may be redeemed by the owner thereof, his agent or attorney, or by any other person having an interest therein at any time within eighteen months after the day of sale, by paying to the Marshal the amount for which the same was sold, including taxes and charges, together with interest at the rate of three per cent. a month, and the legal charges and taxes thereon since the time of sale; if the estate of an infant or lunatic be sold, the same may be redeemed upon like terms within one year after such disability is removed, or at any time before the expiration of such time.

SEC. 15. Any tract or parcel of land sold in pursuance of this act, or any part thereof which shall not be redeemed within eighteen months from the day of sale, shall be conveyed to the purchaser, his heirs or assigns, as herein provided.

Assignment of tax certificate

SEC. 16. Any such tax certificate shall be assignable by endorsement, and the assignee thereof shall be entitled to receive a deed of the premises in such certificate described, in his own name and with the same effect as though he had been the original purchaser.

The city may bid off certain property

SEC. 17. If at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land, or any goods and chattels, the same shall be struck off to the city; and thereupon the Marshal shall execute to the city in its corporate name, a certificate of the sale thereof, specifying the same facts as a certificate issued to other purchasers, and

the city shall be vested with the same rights as any other purchasers, and which certificate shall be filed with the city Treasurer. If the city shall become the purchaser of any personal property by virtue of this chapter, the Treasurer shall have the power to sell the same at public or private sale as the Council may direct. And if the city shall become the purchaser of any real estate at any tax sale, the Common Council may authorize the Treasurer to sell the certificate issued therefor, with the amount paid therefor, with interest, and to endorse and transfer each certificate to the purchasers thereof.

Omisions in the assessment roll

SEC. 18. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding years, and that the same was then liable to taxation, they shall in addition to the assessment for that year, assess upon the lot or parcel of land so omitted for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omision occurred, and such assessment shall have the same force and effect as it would have had if made the year it was omitted. And the Common Council shall, in addition to the tax for the current year, lay such tax upon such lot or tract of land as the same would have been chargeable had not the same been omitted, and such tax shall be collected as other taxes or assessments for the current year.

All lands shall be subject to taxes that may have been omitted in whatsoever hands they may come. Should any tax or assessment upon any lot or parcel of land be set aside or declared void by reason of any defect or informality in the assessing, levying, selling or conveying the same, or other matter, but not effecting the equity or justice of the tax itself, the Common Council shall cause the tax or assessment so set aside or declared void, to be re levied in such manner as they shall by ordinance direct; *Provided*, That if the defect was in the assessment, the same shall again be assessed at such time as the Common Council shall direct, and the said tax or assessment so re-assessed or re-levied, shall be and continue a lien upon such tract or lot, and shall be collected as other taxes or assessments are collected under this act.

Evidence of tax in suits

SEC. 19. All deeds purporting on their face to be executed on account of sales for taxes or assessments under this act, shall be in all cases *prima facie* evidence of the validity of such tax, and in case the title conveyed by such deed shall come in question, the same shall be *prima facie* evidence of the facts recited in such deeds as far as they effect the force or validity of the title conveyed or purporting to be conveyed by such deed.

Informality not to effect validity of tax

SEC. 20. All the instructions and directions herein given for the assessing of lands and personal property, and the levying and collecting of taxes and assessments, shall be deemed only directory, and no error or informality in the pro-

ceedings of any of the officers entrusted with the same not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment, or of the title conveyed under the sale for taxes under this chapter.

Marshal's duties

SEC. 21. The Marshal shall receive the money that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep an account thereof and immediately pay the same over to the city Treasurer and take a receipt therefor, who shall also keep an account thereof, and the Treasurer shall pay the same over, on demand, to the person entitled to receive the same. The Treasurer shall cancel all certificates so redeemed and preserve the same in his office, and at the expiration of his term of office, he shall deliver to his successor all redemption moneys in his hands with a statement of the amount so received and by whom paid.

Liens

SEC. 22. In all cases under the provisions of this act whereby any charge or assessment is made a lien upon the land, the amount of such charge or assessment shall be carried out in a separate column or columns opposite the lot or tract upon which the same may be a lien, and the Marshal may collect and sell and do all other acts in regard thereto, in the same manner as if the amount of such lien was a general tax.

Fees for collecting taxes

SEC. 23. The Marshal, in addition to such sum as the Common Council may allow him, shall be allowed the following fees, to wit:

Six per cent on all sums collected on personal tax of each person taxed, and in case of distress and sale by him of goods and chattels for the payment of any taxes, he shall be entitled to such fees as sheriffs are allowed by law for the sale of goods under execution.

For each certificate by him issued on the sale of lands for the payment of taxes, fifteen cents to be added to the amount of such tax or assessment and included in such certificate.

For each lot or parcel of land redeemed for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot or parcel embodied in such certificate, to be paid by the persons redeeming before he shall be entitled to redeem.

Tax sales

SEC. 24. Whenever any person shall bid off any lot or parcel of land offered for sale for taxes, which lot shall have been bid off in the name of the city for taxes for any previous year, and shall at the time of such subsequent sale remain the property of the city, such person shall, before being entitled to his certificate of such sale and purchase, purchase of the city its certificate by paying the amount of principal, interest and charges thereon, and receive from the Treasurer an assignment thereof, and if such purchase of the city be not made and executed before ten o'clock, A. M., of the following day, the bill therefor shall be considered as null and the land again offered for sale.

Tax sales

SEC. 25. When there shall be a sale by the Register of deeds of Wabashaw county, or by any other officer and by the city Marshal, of any lot or parcel of lands for taxes in the same year, the purchaser of any such lot or parcel who shall be first in point of time, may redeem the same from the subsequent purchaser, and in case he should not redeem, the right of the last purchaser shall be held paramount if he obtains a deed thereof. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale book of the character in which such person may have so redeemed, and the person so redeeming shall be substituted in all the rights of the holder of the certificate so redeemed as aforesaid.

Tax sales

SEC. 26. No person shall be permitted to institute any suit to set aside any assessment or tax levied or assessed upon any lot or tract of land, or to set aside a deed executed by reason of the non-payment of such taxes upon the sale of the premises for taxes, unless such person shall first pay or tender to the proper party, or deposit for his use with the city Treasurer, the amount of all city taxes that remain unpaid or have been paid upon such lot or tract including the tax for which the proceedings are instituted to set aside, since the last sale therefor for taxes to the purchaser, together with the interest and charges thereon.

Tax sales

SEC. 27. When any lands sold for taxes shall not be redeemed as aforesaid, the Treasurer of said city shall, after the expiration of eighteen months for the redemption thereof, on the presentation to him of the certificate of sale, execute in the name of the city of Wabashaw under his hand and seal to the purchaser, his heirs and assigns, a deed of the lots or parcels of land so remaining unredeemed, and shall acknowledge the same, which shall invest in the grantee an absolute estate in fee simple of such lands, subject, however, to all unpaid taxes and charges that may be a lien thereon. The fees of the Treasurer for executing and acknowledging such deed, shall be one dollar and fifty cents.

CHAPTER VI.—OPENING OF STREETS, ALLEYS, &c.

Public squares streets &c may be laid out

SEC. 1. The Common Council shall have power to lay out public squares, grounds, streets, lanes, alleys, and to widen and enlarge the same, as follows: Whenever twenty or more freeholders residing in said city, by petition represent to the Common Council that it is necessary to take certain lands within the city for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening the same, the courses, distances, metes and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises, if known to the petitioners, to be set forth in the petition, the Common Council shall cause notice thereupon of such application to be given to the

occupant or occupants of such lands if there be any, and if such lands, or any portion of them, shall not be in the actual occupation of any one, then the Common Council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published in the official papers for three weeks successively, once at least in each week, and the publishers of such papers, or their foreman, shall make affidavit of such publication and deposit the same with the city Recorder.

Public notice to be given

SEC. 2. Such notice shall state on a certain day not less than six days from the day of service of such notice or the expiration of such publication as the case may be, the Common Council will appoint three commissioners to review said premises and to determine whether it is necessary to take the same for the purposes specified in said petition. And at the time specified the said Common Council shall proceed and appoint three respectable freeholders, residents of the city, but not interested in the result of said petition, and shall enter an order in their proceedings requesting the said commissioners within thirty days to view said premises, to be specified in said order and to make return to the Common Council whether in their judgment it is necessary to take said premises for the public use for the purpose specified in said petition.

Notice to commissioners

SEC. 3. The Recorder shall within three days notify the said commissioners of their appointment, embracing therein a copy of such order and if any of the said commissioners shall be disqualified from acting, or shall at any time refuse to act, the Common Council shall appoint others in their places, whom the Recorder shall likewise notify and a memorandum of such substitution shall be endorsed on the notice.

Duty of commissioners

SEC. 4. The said commissioners at such time as they may agree upon within thirty days of the time of their appointment, shall proceed to visit the premises in question and shall hear such testimony as may be offered by the party interested, which testimony shall be reduced to writing by one of their number, and either of the commissioners shall be authorized to administer the necessary oaths to witnesses.

SEC. 5. After viewing the premises and hearing such testimony as may be offered, the commissioners shall make a report of their proceedings to the Common Council which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use, which said notice, report and testimony shall be returned to the Commnn Council within the said thirty days.

SEC. 6. Should the commissioners report that it is necessary to take such premises for the public use, the Common Council shall enter an order among their proceedings confirming their report and directing said commissioners within twenty days thereafter to again view said premises for the purpose of ascertaining and determining the amount of dam-

ages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess such damages and benefits and to return the same to the Common Council within the time limited.

Sec. 7. Said commissioners, within the time limited, shall again view and examine the premises proposed to be taken, and all such other premises as will be injured or benefitted thereby. They shall receive such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of the commissioners; they shall proceed to make their assessments and determine and apprize to the owner or other parties having an interest in the premises, the value of the premises proposed to be taken and the injury arising to them respectively in consequence of the taking thereof, after making allowances for any benefits that such owner or owners may respectively derive from taking such property for the public use. Such injury, after making allowance, shall be awarded to such persons respectively as damages. Duty of commissioners

Sec. 8. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment shall show what amount is to be received or paid by such owner or owners or persons interested respectively and only the difference shall in any case be collected of them or payable to them. Damages

Sec. 9. If the lands or buildings belong to different persons, or if the land be subject to lease, judgment, mortgage, or lien, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively may be awarded to them by the commissioners less the benefits resulting to them respectively from the proposed appropriation to the public use.

Sec. 10. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the said commissioners shall thereupon apportion and assess the same, together with the cost of the proceedings, upon the real estate by them deemed benefitted in proportion to the benefits resulting thereto from the proposed improvement as nearly as may be, and shall as near as may be, describe the real estate upon which this assessment may be made. The award of said commissioners shall be signed by them, together with the testimony taken and returned to the Common Council within the time limited in this order of appointment. Should they fail so to do, they shall receive no compensation for their services, and the Common Council shall appoint new commissioners, unless further time is granted to the said commissioners which further time the Council may by order grant. Assessing damages

Collecting assessment

SEC. 11. The said assessment shall be collected by the city Marshal in the same manner as he is by law empowered to collect taxes upon personal property, and the return of the Marshal shall be conclusive evidence of that fact.

Further provisions

SEC. 12. The land required to be taken for the purpose mentioned in this chapter, shall not be taken till the damages awarded to the owner thereof for the taking the same shall be paid or tendered to him or his agent, or deposited for his use with the Treasurer in case said owner or his agent is unknown, and the said lands and tenements so taken and appropriated, shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, or public grounds heretofore opened or laid out, and the damages so assessed shall be paid or tendered within eight months of the confermation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void, and the benefits so assessed shall be a lien upon the premises assessed from the confirmation of such report.

SEC. 13. Where the whole or part of any tract of land or other premises, under lease or other control, shall be taken by virtue of this act, all the covenants, contracts, or engagements between landlord and tenant or any other contracting parties touching the same or any part thereof upon the confirmation of the Commissioner's report, shall respectively cease and be absolutely null and the parties discharged therefrom.

SEC. 14. When only a part of a tract of land or other premises so under lease or other contract, shall be taken as aforesaid, all the covenants, contracts or agreements respecting the same upon the confirmation of such report, shall, as aforesaid, be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved payable and to be paid for and in respect to the same, shall be so apportioned that the part thereof justly and equitably payable for the residue, and no more shall be paid for or in respect to the same.

SEC. 15. When any known owner of any lands or premises affected by any proceeding under this act, shall be an infant or labor under any other disability, the Judge of Probate of Wabashaw county shall, upon the application of the person laboring under such disability, his next friend or the Common Council, appoint a guardian for such person, upon whom shall be served all notices required by this act.

Oath to commissioners

SEC. 16. The said Commissioners before entering upon the discharge of their duties, shall severally take an oath that they are all freeholders of the city and not interested in the premises proposed to be taken, and that they will faithfully and honestly discharge the trust reposed in them.

SEC. 17. Any person whose property is taken, or against whom an assessment is made, may, within ten days after the return of the said Commissioners to the Common Council, appeal from their determination of damages or benefits to the District Court of Wabashaw county, where such appeal shall be tried as in ordinary cases of appeal in the said court; the Common Council shall have the same right to appeal. Appeal

SEC. 18. Whenever any public ground, street or alley, shall be laid out, widened or enlarged under the provisions of this chapter, the Common Council shall cause an accurate survey and profile thereof to be made and filed in the office of city surveyor.

CHAPTER VII.—MISCELLANEOUS PROVISIONS.

SEC. 1. All funds in the city Treasury shall be under the control of the Common Council, and shall be drawn out on the order of the Mayor and Recorder, duly authorized by vote of the Common Council, and all orders drawn upon the Treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the treasury belonging to the city, and all such orders shall be received in payment of any tax or assessment levied by authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferable by endorsement. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this act. City funds under control of council

SEC. 2. All actions brought to recover any penalty or forfeiture under this act or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city; it shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of the act, by-law, ordinance or regulation under which the forfeiture is claimed, and to give the special matter in evidence under it. Actions how to be brought

SEC. 3. No judgment recovered in favor of the city shall be remitted or discharged, except by vote of four-fifths of the Common Council. Judgment

SEC. 4. No person shall be an incompetent Judge, Justice, Juror, Witness or Commissioner, by reason of his being an inhabitant of the city, in any action or proceeding in which the city shall be a party in interest. Interested parties

SEC. 5. The following property belonging to the city, shall be exempt from levy and sale by virtue of any execution, to wit: All engine houses, hook and ladder houses, and the ground upon which they are situated; all fire engines, carriages, ladders, hooks, buckets, hose, or any other fire apparatus used by the fire company, erected or otherwise by the Common Council; school houses and the furniture thereof, and the furniture and office rooms of the Common Council and other officers of the city. Property exempt from levy

Contracts how to be let

SEC. 6. All work for the city shall be let by contract to the lowest responsible bidder therefor, and the Council may require of the bidder a bond with sureties for the faithful performance of the contract. Due notice shall be given of the time and place of letting such contract.

Elections

SEC. 7. If any election by the people for city officers for any cause should not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending or absolving said corporation, but such election may be held on any other subsequent day, and if any of the duties required by this act in the ordinances, by-laws, rules or regulations of the city, to be done by any officer at any specified time be not done or performed at the time, the Common Council may appoint another time at which the said act may be done and performed.

Real estate

SEC. 8. The city may lease, purchase and hold real estate sufficient for the public convenience of the inhabitants, and the administration of the government of the city, and may sell and convey the same at pleasure and the same shall be free from taxation.

General laws

SEC. 9. No general laws of this State contravening the provisions of this act, shall be considered as repealing, amending, or modifying the same, unless such purpose be expressly set forth in such law.

Suits against city

SEC. 10. When any suit or action shall commence against the city, the service may be made by leaving a copy of the process duly certified with the Mayor and it shall be his duty forthwith to inform the Common Council, and they shall take such proceedings as by the ordinances or resolutions of said Council may be in such case provided.

Appeals

SEC. 11. Appeals and certioraries shall be allowed from decisions in all cases arising under this act or any ordinances, by-laws or regulations passed in pursuance thereof, to the District Court of Wabashaw county and every such appeal shall be taken and granted in the same manner, and with like effect that appeals have which are taken from and granted by Justices of the Peace to the District Court under the general laws of this State.

Charter public act

SEC. 12. This act is hereby declared to be a public act and may be read in evidence in any court in this State without proof.

Repeal

SEC. 13. This act shall take effect from and after the passage thereof, and the Legislature may alter or repeal the same at any time.

First election

SEC. 14. The first general election under this act, shall be holden on the first Tuesday of April next, and the Inspectors of the last State election in the precinct of which the city is a part, shall act as Inspectors at such election and shall give notice as required in chapter second of this act, and said election shall be conducted in the same manner and under the same liabilities as specified in said chapter. The

clerk of said election is required to give notice to the persons elected, of their respective elections, who shall enter upon their duties on the fourth Tuesday of said April, after such election, which shall be the commencement of the fiscal year.

Process

SEC. 15. For all prosecutions for any violation of any of the provisions of this act, or any by-law or ordinance, the first process shall be by summons, unless oath is made for a warrant, as in other cases.

Execution

SEC. 16. Execution shall issue forthwith on the rendition of the judgment, unless the same is stayed or appealed according to the laws of this State. The execution shall require the defendant in any such action in case no goods or chattels, lands or tenements whereof the judgment can be collected be found, to be imprisoned in any jail of Wabashaw county, or in which said county are authorized to imprison prisoners, for a term not exceeding six months, in the discretion of the judge or justice rendering judgment, unless the same be sooner paid.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President pro tem. of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
SAINT PAUL, March 20, 1858.

I hereby certify the foregoing to be a correct copy of the original bill now on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER III.

An Act to incorporate the City of West Saint Paul.

CHAPTER 1. Boundaries.
2. Government of the City.
3. Of the Chief Executive Officers.
4. Of Elections.
5. Of the Legislative powers of the Council.
6. Of the Mayor and City Council.
7. Of City Justice of the Peace.
8. Proceeding in Special cases.
9. Miscellaneous Provisions.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.—BOUNDARIES.

Incorporations

SEC. 1. All the district of country in the county of Dakota, contained within the limits and boundaries hereinafter described shall be a city by the name of West Saint Paul, and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of West Saint Paul, and shall have the general powers possessed by municipal corporations at the common law, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity; and have a common seal and may change and alter the same at pleasure.

Boundaries

SEC. 2. The limits of said city shall be all that district of country on the west side of the Mississippi river, commencing at a point where the section line between section sixteen (16), and section nine (9), town twenty-eight (28), range twenty-two (22), intersect the Mississippi river on the west side, thence running due west along said line, until said line intersects the Mississippi river, thence along down the channel of said river to point of beginning.

The said city of West Saint Paul shall be divided into two wards as follows: All of said city lying east of A street to be the first ward, and all lying west of A street to be the second ward, and that A street shall be continued as near as practicable a south course to intersect the southern boundaries of said city.

CHAPTER II.—GOVERNMENT OF THE CITY.

SEC. 1. There shall be a City Council to consist of a Board of Aldermen.

Aldermen

SEC. 2. The Board of Aldermen shall consist of three members from each ward, to be chosen for one year by the qualified voters of each respective ward, and until their successors shall have been elected and qualified.

Qualifications

SEC. 3. No person shall be an Alderman unless at the time of his election, he shall have resided six months within the limits of the city, and shall be at the time of his election twenty-one years of age, and an elector of the State of Minnesota.

SEC. 4. The City Council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.

Quorum

SEC. 5. A majority of the City Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

SEC. 6. The City Council shall have power to determine the rule of its proceedings and punish its members for disorderly conduct.

Record

SEC. 7. The City Council shall keep a journal of its proceedings, and ayes and nays when demanded by any member present, shall be entered on the journal.

Disabilities

SEC. 8. No Alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected.

Oath

SEC. 9. The Mayor, and each Alderman, before entering upon the duties of their office, shall take and subscribe an oath, that they will support the Constitution of the United States, and the Constitution of the State of Minnesota, and that they will well and truly perform the duties of their office to the best of their abilities.

Tie in election

SEC. 10. Whenever there shall be a tie in an election, there shall be a new election ordered in such manner as shall be provided for by ordinance.

Meetings

SEC. 11. There shall be twelve stated meetings of the City Council each year, at such times and places as may be prescribed by ordinance.

CHAPTER III.—OF THE CHIEF EXECUTIVE OFFICERS.

SEC. 1. The chief executive officer of the city, shall be a Mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year and until his successor shall be elected and qualified.

Mayor

SEC. 2. No person shall be eligible to the office of Mayor, who shall not have been a resident of the city one year next preceding his election, or who shall be under twenty-one years of age.

SEC. 3. If any Mayor, during the time for which he shall have been elected, remove from the city his office shall be vacated.

SEC. 4. Whenever an election of Mayor shall be contested, the City Council shall determine the same in such manner as may be prescribed by ordinance.

SEC. 5. Whenever any vacancy shall happen in the office of Mayor, it shall be filled by election.

CHAPTER IV.—OF ELECTIONS.

First election Voters

SEC. 1. On the first Monday of April next, an election shall be held in said city, for one Mayor, six Aldermen, and one Justice of the Peace, and thereafter on the first Monday of April in each year, there shall be an election for one Mayor and six Aldermen. The first election for Mayor and Aldermen, shall be held by the qualified voters residing within the limits of the city of West Saint Paul, as described in Chapter first and Section second of this Act; each ward in said city shall constitute an election precinct, and it shall be the duty of the Commissioners of Dakota county to appoint to each ward in said city of West Saint Paul, three Judges of Election, whose duties shall be the same as prescribed by law, and it shall be the duty of the Clerk of the Board of County Commissioners for said county, to cause notice of the time and place of holding the first election to be held under this Charter, the same as prescribed by law for precincts at regular elections, and the returns shall be made to the said Clerk of the Board of County Commissioners, and he shall canvass the same and issue certificates of election to persons having the highest number of votes: *Provided*, That in all subsequent elections for choice of city officers, the election shall be held in such manner as shall be prescribed by ordinance.

Voters

SEC. 2. All free white male inhabitants over the age of twenty-one years, who are entitled to vote for precinct officers, and who have actually been residents of said city six months next preceding said election, shall be entitled to vote for city officers.

CHAPTER V.—OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Power to collect tax

SEC. 1. The City Council shall have power and authority to levy and collect taxes on all property, real and personal, within the city limits, not exceeding one per cent. per annum, upon the assessed value thereof, according to the actual valuation of the land, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the Constitution of the United States or the Constitution of this State.

Appoint clerk &c

SEC. 2. The City Council shall have power to appoint a Clerk and Supervisor.

Election

SEC. 3. A Treasurer, Assessor and Marshal, shall be elected by the people annually, and at the same time and in the same manner as the members of the City Council.

SEC. 4. The City Council shall have the power to require of all officers appointed in pursuance of this charter, such bond, with penalties and security, for the faithful performance of their respective duties as may be deemed expedient, and also to require all officers appointed, as aforesaid, to take an oath for the faithful performance of the duties of their respective offices before entering upon the duties of the same. To establish, regulate and support common schools, and shall have power to levy a tax not exceeding one half of one per cent. on the assessed value of the property, for building school houses; but shall have no power to levy any other tax than is specified in this act, and shall have no power to borrow money or contract debts.

Council shall have power to require bonds sureties &c

SEC. 5. To appropriate money and provide for the payment of the expenses of the city.

SEC. 6. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose and enforce the same.

SEC. 7. To establish hospitals and to make regulations for the government of the same.

SEC. 8. To make regulations to secure the general health of the inhabitants, and to prevent nuisances and to remove the same.

SEC. 9. To open, alter, abolish, widen, extend, establish, grade, repair, or otherwise improve and keep in repair, streets, avenues, lanes and alleys.

SEC. 10. To establish, erect and keep in repair bridges.

SEC. 11. To provide for the lighting of streets, and the erection of lamp-posts.

Powers of council

SEC. 12. To establish, support and regulate night-watches.

SEC. 13. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.

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SEC. 16. To improve and preserve the landing on the Mississippi river, within the limits of the city.

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SEC. 34. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

SEC. 35. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance.

SEC. 36. The City Council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant to nor inconsistent with the constitution of the United States and the constitution of this State.

SEC. 37. The style of the ordinances of the city shall be, Be it ordained by the Council of the City of West Saint Paul,

SEC. 38. All ordinances passed by the City Council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall be published as aforesaid for two weeks.

SEC. 39. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be re-

ceived in evidence in all courts or places without further proof.

CHAPTER VI—Of the Mayor and City Council.

Sec. 1. The Mayor shall be the executive officer of the city. No ordinance, law or regulation shall be in force until passed by a majority of the members of the Council, and until submitted for the approval of the Mayor; and if approved by him, the same shall be in force; and if he should disapprove or veto any such ordinance, law or regulation, the same shall be returned by him to the City Council, with his reasons therefor in writing; when the members of the Council shall re-consider the same, and if then passed by two-thirds of the members, such ordinance, law or regulation shall be in force. Veto power of the mayor

Sec. 2. Any two Aldermen may call special meetings of the City Council. Spec'l meeting

Sec. 3. The Mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligent and persistent violation of duty to be prosecuted and punished; he shall from time to time communicate to the Aldermen such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, the health, the security, the comfort and ornaments of the city. Duties of mayor

Sec. 4. He is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid him in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a sum not exceeding ten dollars. His power

Sec. 5. He shall have power, whenever he may deem it necessary, to require of any officer of said city, an exhibit of his books and papers. Officers to exhibit books

Sec. 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act. Execute acts

Sec. 7. He shall also have such jurisdiction as may be vested in him by ordinance of the city, and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof. Jurisdiction

Sec. 8. He shall receive for his services such salary as shall be fixed by an ordinance of the city. Salary

Sec. 9. In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be in- Penalties for neglect of duty or malconduct

dicted in the District Court for Dakota county, and on conviction, he shall be fined not more than five hundred dollars, and the court shall have power (on the recommendation of the jury) to add to the judgment of the court that he be removed from office.

CHAPTER VII—Of City Justice of the Peace

Power of justices

Sec. 1. The Justice of the Peace for the city shall posses all the authority, powers and rights of a Justice of the Peace except he shall in no case entertain any civil proceedings to which the city is not a party, and shall have sole, exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace; but warrants returnable before the said Justice may be issued in criminal cases by any other Justice of the city, but no fee shall be received therefrom by said justice. Said justice shall have exclusive jurisdiction in all cases in which the city is a party; and he shall have the same power and authority in cases of contempt as a court of record: *Provided*, That nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the peace, nor to effect in any manner the jurisdiction or powers of the District or Supreme Courts of this State. In case of the absence, sickness or inability of said justice or for any sufficient reason, the Mayor by warrant, may authorize any other Justice of the Peace within the said city to perform the duties of said justice, and it shall thereupon be the duty of the Mayor to inform the Attorney and Marshal of such substitution, and make report thereof to the Common Council, and they may confirm or set aside such appointment, or appoint some other Justice of the Peace, and the Justice so appointed shall, for the time being, possess all the authority, powers and rights of said Justice of the Peace for the city.

Justices to report

Sec. 2. The Justice of the Peace for the city shall quarterly report to the Common Council, a list of all proceedings instituted before him in behalf of the city, and the disposition thereof; and shall, at the same time, account and pay over the amount of all penalties and costs collected which may by law accrue to the city. He shall be entitled to receive from the city such fees in criminal cases as are allowed to other justices of the county for similar services.

CHAPTER VIII.—Proceedings in Special Cases.

Private property taken—compensation

Sec. 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed on,

the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city, to be selected as jurors in Justices' courts.

Opening of streets &c

SEC. 2. When owners of two-thirds of the property on a street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the City Council may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance; but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessments or benefits or damages that may accrue thereby to any of the petitioners.

Jurors sworn

SEC. 3. Jurors empanneled to inquire into the amount of benefit, or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue, or alley, shall be sworn to that effect, and shall return to the Mayor an inquest in writing signed by each juror.

Compensation

SEC. 4. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue, or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening, or altering such street, lane, avenue or alley.

Powers to levy special tax

SEC. 5. The City Council shall have power by ordinance, to levy and collect a special tax on the holders of the lot son any street, avenue or alley, or any part of any street, lane, avenue or alley, according to their respective fronts, for the purpose of paving and grading the side walks, and lighting such street, lane, avenue or alley.

CHAPTER IX.—MISCELLANEOUS PROVISIONS.

Labor— forfeit

SEC. 1. The City Council shall have power for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city over twenty-one years of age, to labor on said streets, lanes, avenues or alleys, not exceeding three days in each and every year; and any person failing to perform such labor when duly notified by the Supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

Statement to be published annually

SEC. 2. The City Council shall cause to be published annually, on the first Monday in January, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Suits issued in name of the city

SEC. 3. All suits, actions and prosecutions instituted, connected or brought by the corporation hereby created, shall be instituted, commenced and prosecuted, in the name of the city of West Saint Paul.

SEC. 4. Appeals shall be allowed from decisions in all

cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the District Court of Dakota county, and every such appeal shall be taken and granted in the same manner and with like affect as appeals are taken from and granted by Justices of the Peace to the District Court under the law of this State.

Appeals allowed

Vacancy—how filled

SEC. 5. Whenever the Mayor shall absent himself from the city, or shall resign or die, or his office shall be otherwise vacated, the board of Aldermen shall immediately proceed to elect one of their number President, who shall be Mayor, *pro tem.*

Public act

SEC. 6. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

Execution of writs

SEC. 7. The city Marshal, or any other officer authorized to execute writs or other process issued by the city Justice of the Peace, shall have power to execute the same within the limits of Ramsey or Dakota counties, and shall be entitled to the same fees for traveling as are allowed to Constables in similar cases.

Not to interfere with &c

SEC. 8. Nothing in this act shall interfere with the Territorial or corporate rights of the city of Saint Paul.

SEC. 9. The Legislature may alter or amend this act at any time.

GEORGE BRADLEY,
Speaker *pro tem* of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twenty-two, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
ST. PAUL, March 22, 1858.

I hereby certify the foregoing to be a correct copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER IV.

An Act to Incorporate the Town of Brownsville.

SECTION 1. Boundaries of the Town.
2. First election for Town officers.
3. Term of office, and vested rights.
4. Manner of conducting elections.
5. Officers elected to take oath of office.
6. Corporate powers of Trustees.
7. 8. Duties of the President.
9. Council may fill vacancies.
10. 11. Powers of the Town Council.
12. Authority to levy tax, and manner.
13. Taxes, how to be collected.
14. Books and papers of officers to be given to successors.
15. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.—BOUNDARIES.

SEC. 1. That so much territory as is contained in sections twenty-three, twenty-four, twenty-five, twenty-six, town one hundred and three, range four, shall be and constitute the town of Brownsville. Boundary

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, having the qualifications of electors, to meet at some suitable place in the town of Brownsville, on the first Monday of April next, and annually thereafter, at such time and place in said town as the Town Council may direct, and then and there proceed by ballot to elect one President, one Recorder, and three Trustees, being house-holders of said town, and having the qualifications of electors as aforesaid. First election

SEC. 3. The President, Recorder and Trustees to be elected as aforesaid, shall hold their offices for one year and until their successors are elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in said Town Council shall be vested the government of said town, and the exercise of its corporate powers, and the management of its fiscal, prudential, and municipal concerns; and for the better government of said Town Council, shall extend to the centre of the Mississippi river, in front of said town. Vested rights of officers

SEC. 4. At the first election to be holden under this act, there shall be chosen, *viva voce*, by the electors present at the time of opening the polls on the day of holding said first

Election how conducted

election, two judges and one clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required by this act; and at all subsequent elections, the Trustees, or any two of them, shall be judges, and the Recorder, or in his absence, some person to be appointed by the judges, shall be clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four in the afternoon of said day; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the judges, and the clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of the said Town Council, at least five days before each and every election, to give notice of the same by setting up advertisements in three of the most public places in said town; and if a newspaper be published in said town, by inserting the notice in said paper at least once before such election.

Elected officers to take oath

SEC. 5. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates, shall be declared elected by said judges of election, and the candidates so elected, shall, before entering upon the performance of the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States and laws of this State, and also faithfully and honestly to discharge the duties of the office, which shall be taken before some Justice of the Peace or Notary Public, and filed with the Recorder.

Corporate powers

SEC. 6. The President, Recorder and Trustees of said town shall be capable in law, by their own corporate name aforesaid, to acquire property, real, personal and mixed, within its corporate limits, for the use of said town, and may sell and convey the same at pleasure; they may have a common seal which they may break, alter or renew at pleasure; and when any suit shall be commenced against said corporation, the first protest shall be served by an attested copy thereof left with the Recorder or at his usual place of residence, at least six days previous to the return day of such process, and this corporation shall be competent to have and exercise all rights and privileges, and be subject to all the duties and obligations appertaining to municipal corporations.

President

SEC. 7. The President, and in his absence, the Recorder, shall preside at all meetings of the Town Council, and the Recorder shall attend all the meetings of the Town Council, and make a fair and accurate record of all their proceedings, and of the by-laws, rules and ordinances made and passed by the Common Council aforesaid; and the same shall at all times be open for the inspection of the electors of said town; but in case of the absence or disability of the Recorder, the Clerk may appoint one of their body Clerk *pro tempore*.

SEC. 8. The President shall keep the seal of said corpora-

tion, sign all commissions, licenses and permits which may be granted by the Common Council. He shall maintain peace and good order, and see that the ordinances are observed and executed. He shall have power to administer oaths and affirmations, and to take and certify acknowledgements of deeds and other instruments in writing; as a judicial officer, he shall have concurrent jurisdiction with Justices of the Peace, and try all cases for the violation of any ordinances of said town under the laws of the State. President

SEC. 9. The Town Council shall have power to fill all vacancies that may happen in said Board, from the qualified voters of said town, who shall hold their appointment until the next general election, and until their successors are elected and qualified, and in the absence of the President and Recorder from any meeting of the Town Council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Recorder for the time being. Vacancies in council

SEC. 10. The Town Council shall have power to provide for the employment of attorneys, the appointment or election of Treasurer, Town Marshal, and all subordinate officers which they may think necessary for the good government and well being of said town, to prescribe their duties and terms of their appointments and the fees they shall receive for their respective services, when the same is not otherwise provided for by this act, and to require them to take an oath of office previous to entering upon the duties of their respective offices, and shall further require of them a bond with sufficient security, conditioned for the faithful performance of the duties of their respective offices; and it is hereby provided that the said Treasurer shall pay no moneys, except upon the order of the Town Council, signed by the President and countersigned by the Recorder. The Town Council shall also have power to fix to the violation of the by-laws and ordinances of the corporation, reasonable fines and penalties; provided that no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted up in one of the most public places of said town, or published in some newspaper in said town, at least ten days, and the certificate of the Recorder entered upon the record of said Town Council shall be deemed and taken to be sufficient evidence of such publication. Powers of council

SEC. 11. The Town Council shall have power to enact, establish, publish, alter, amend or repeal all such ordinances, rules and by-laws for the government and good order of the town, for the suppression of vice and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of any such ordinances, rules or by-laws, and such Ordinances, rules and by laws are hereby declared to be, and to have the force of law; *provided*, that they be not repugnant to the Constitution Powers of council

SEC. 4. Whenever an election of Mayor shall be contested, the City Council shall determine the same in such manner as may be prescribed by ordinance.

SEC. 5. Whenever any vacancy shall happen in the office of Mayor, it shall be filled by election.

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SEC. 1. On the first Monday of April next, an election shall be held in said city, for one Mayor, six Aldermen, and one Justice of the Peace, and thereafter on the first Monday of April in each year, there shall be an election for one Mayor and six Aldermen. The first election for Mayor and Aldermen, shall be held by the qualified voters residing within the limits of the city of West Saint Paul, as described in Chapter first and Section second of this Act; each ward in said city shall constitute an election precinct, and it shall be the duty of the Commissioners of Dakota county to appoint to each ward in said city of West Saint Paul, three Judges of Election, whose duties shall be the same as prescribed by law, and it shall be the duty of the Clerk of the Board of County Commissioners for said county, to cause notice of the time and place of holding the first election to be held under this Charter, the same as prescribed by law for precincts at regular elections, and the returns shall be made to the said Clerk of the Board of County Commissioners, and he shall canvass the same and issue certificates of election to persons having the highest number of votes: *Provided*, That in all subsequent elections for choice of city officers, the election shall be held in such manner as shall be prescribed by ordinance.

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Sec. 2. Any two Aldermen may call special meetings of the City Council.

Duties of mayor

Sec. 3. The Mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligent and persistent violation of duty to be prosecuted and punished; he shall from time to time communicate to the Aldermen such information, and recommend all such measures, as in his opinion may tend to the improvement of the finances, the police, the health, the security, the comfort and ornaments of the city.

His power

Sec. 4. He is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid him in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a sum not exceeding ten dollars.

Officers to exhibit books

Sec. 5. He shall have power, whenever he may deem it necessary, to require of any officer of said city, an exhibit of his books and papers.

Execute acts

Sec. 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

Jurisdiction

Sec. 7. He shall also have such jurisdiction as may be vested in him by ordinance of the city, and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

Salary

Sec. 8. He shall receive for his services such salary as shall be fixed by an ordinance of the city.

Penalties for neglect of duty or malconduct

Sec. 9. In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or partiality in the discharge of the duties of his office, he shall be liable to be in-

dicted in the District Court for Dakota county, and on conviction, he shall be fined not more than five hundred dollars, and the court shall have power (on the recommendation of the jury) to add to the judgment of the court that he be removed from office.

CHAPTER VII—Of City Justice of the Peace

Power of justices

Sec. 1. The Justice of the Peace for the city shall posses all the authority, powers and rights of a Justice of the Peace except he shall in no case entertain any civil proceedings to which the city is not a party, and shall have sole, exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace; but warrants returnable before the said Justice may be issued in criminal cases by any other Justice of the city, but no fee shall be received therefrom by said justice. Said justice shall have exclusive jurisdiction in all cases in which the city is a party; and he shall have the same power and authority in cases of contempt as a court of record: *Provided*, That nothing herein contained shall be deemed to divest the district judges of their authority as conservators of the peace, nor to effect in any manner the jurisdiction or powers of the District or Supreme Courts of this State. In case of the absence, sickness or inability of said justice or for any sufficient reason, the Mayor by warrant, may authorize any other Justice of the Peace within the said city to perform the duties of said justice, and it shall thereupon be the duty of the Mayor to inform the Attorney and Marshal of such substitution, and make report thereof to the Common Council, and they may confirm or set aside such appointment, or appoint some other Justice of the Peace, and the Justice so appointed shall, for the time being, possess all the authority, powers and rights of said Justice of the Peace for the city.

Justices to report

Sec. 2. The Justice of the Peace for the city shall quarterly report to the Common Council, a list of all proceedings instituted before him in behalf of the city, and the disposition thereof; and shall, at the same time, account and pay over the amount of all penalties and costs collected which may by law accrue to the city. He shall be entitled to receive from the city such fees in criminal cases as are allowed to other justices of the county for similar services.

CHAPTER VIII.—Proceedings in Special Cases.

Private property taken—compensation

Sec. 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed on,

the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city, to be selected as jurors in Justices' courts.

Opening of streets &c

SEC. 2. When owners of two-thirds of the property on a street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the City Council may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance; but no compensation shall in such case be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley, nor shall there be any assessments or benefits or damages that may accrue thereby to any of the petitioners.

Jurors sworn

SEC. 3. Jurors empanneled to inquire into the amount of benefit, or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue, or alley, shall be sworn to that effect, and shall return to the Mayor an inquest in writing signed by each juror.

Compensation

SEC. 4. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue, or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening, or altering such street, lane, avenue or alley.

Powers to levy special tax

SEC. 5. The City Council shall have power by ordinance, to levy and collect a special tax on the holders of the lot son any street, avenue or alley, or any part of any street, lane, avenue or alley, according to their respective fronts, for the purpose of paving and grading the side walks, and lighting such street, lane, avenue or alley.

CHAPTER IX.—MISCELLANEOUS PROVISIONS.

Labor— forfeit

SEC. 1. The City Council shall have power for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city over twenty-one years of age, to labor on said streets, lanes, avenues or alleys, not exceeding three days in each and every year; and any person failing to perform such labor when duly notified by the Supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.

Statement to be published annually

SEC. 2. The City Council shall cause to be published annually, on the first Monday in January, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended.

Suits issued in name of the city

SEC. 3. All suits, actions and prosecutions instituted, connected or brought by the corporation hereby created, shall be instituted, commenced and prosecuted, in the name of the city of West Saint Paul.

SEC. 4. Appeals shall be allowed from decisions in all

cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the District Court of Dakota county, and every such appeal shall be taken and granted in the same manner and with like affect as appeals are taken from and granted by Justices of the Peace to the District Court under the law of this State.

Appeals allowed

Vacancy—how filled

SEC. 5. Whenever the Mayor shall absent himself from the city, or shall resign or die, or his office shall be otherwise vacated, the board of Aldermen shall immediately proceed to elect one of their number President, who shall be Mayor, *pro tem.*

Public act

SEC. 6. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this State, without proof.

Execution of writs

SEC. 7. The city Marshal, or any other officer authorized to execute writs or other process issued by the city Justice of the Peace, shall have power to execute the same within the limits of Ramsey or Dakota counties, and shall be entitled to the same fees for traveling as are allowed to Constables in similar cases.

Not to interfere with &c

SEC. 8. Nothing in this act shall interfere with the Territorial or corporate rights of the city of Saint Paul.

SEC. 9. The Legislature may alter or amend this act at any time.

GEORGE BRADLEY,
Speaker *pro tem* of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twenty-two, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
ST. PAUL, March 22, 1858.

I hereby certify the foregoing to be a correct copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER IV.

An Act to Incorporate the Town of Brownsville.

SECTION 1. Boundaries of the Town.
2. First election for Town officers.
3. Term of office, and vested rights.
4. Manner of conducting elections.
5. Officers elected to take oath of office.
6. Corporate powers of Trustees.
7. } Duties of the President.
8. }
9. Council may fill vacancies.
10. } Powers of the Town Council.
11. }
12. Authority to levy tax, and manner.
13. Taxes, how to be collected.
14. Books and papers of officers to be given to successors.
15. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.—BOUNDARIES.

SEC. 1. That so much territory as is contained in sections twenty-three, twenty-four, twenty-five, twenty-six, town one hundred and three, range four, shall be and constitute the town of Brownsville. Boundary

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, having the qualifications of electors, to meet at some suitable place in the town of Brownsville, on the first Monday of April next, and annually thereafter, at such time and place in said town as the Town Council may direct, and then and there proceed by ballot to elect one President, one Recorder, and three Trustees, being house-holders of said town, and having the qualifications of electors as aforesaid. First election

SEC. 3. The President, Recorder and Trustees to be elected as aforesaid, shall hold their offices for one year and until their successors are elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in said Town Council shall be vested the government of said town, and the exercise of its corporate powers, and the management of its fiscal, prudential, and municipal concerns; and for the better government of said Town Council, shall extend to the centre of the Mississippi river, in front of said town. Vested rights of officers

SEC. 4. At the first election to be holden under this act, there shall be chosen, *viva voce*, by the electors present at the time of opening the polls on the day of holding said first

Election how conducted

election, two judges and one clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required by this act; and at all subsequent elections, the Trustees, or any two of them, shall be judges, and the Recorder, or in his absence, some person to be appointed by the judges, shall be clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four in the afternoon of said day; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the judges, and the clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of the said Town Council, at least five days before each and every election, to give notice of the same by setting up advertisements in three of the most public places in said town; and if a newspaper be published in said town, by inserting the notice in said paper at least once before such election.

Elected officers to take oath

SEC. 5. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates, shall be declared elected by said judges of election, and the candidates so elected, shall, before entering upon the performance of the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States and laws of this State, and also faithfully and honestly to discharge the duties of the office, which shall be taken before some Justice of the Peace or Notary Public, and filed with the Recorder.

Corporate powers

SEC. 6. The President, Recorder and Trustees of said town shall be capable in law, by their own corporate name aforesaid, to acquire property, real, personal and mixed, within its corporate limits, for the use of said town, and may sell and convey the same at pleasure; they may have a common seal which they may break, alter or renew at pleasure; and when any suit shall be commenced against said corporation, the first protest shall be served by an attested copy thereof left with the Recorder or at his usual place of residence, at least six days previous to the return day of such process, and this corporation shall be competent to have and exercise all rights and privileges, and be subject to all the duties and obligations appertaining to municipal corporations.

President

SEC. 7. The President, and in his absence, the Recorder, shall preside at all meetings of the Town Council, and the Recorder shall attend all the meetings of the Town Council, and make a fair and accurate record of all their proceedings, and of the by-laws, rules and ordinances made and passed by the Common Council aforesaid; and the same shall at all times be open for the inspection of the electors of said town; but in case of the absence or disability of the Recorder, the Clerk may appoint one of their body Clerk *pro tempore*.

SEC. 8. The President shall keep the seal of said corpora-

tion, sign all commissions, licenses and permits which may be granted by the Common Council. He shall maintain peace and good order, and see that the ordinances are observed and executed. He shall have power to administer oaths and affirmations, and to take and certify acknowledgements of deeds and other instruments in writing; as a judicial officer, he shall have concurrent jurisdiction with Justices of the Peace, and try all cases for the violation of any ordinances of said town under the laws of the State. President

SEC. 9. The Town Council shall have power to fill all vacancies that may happen in said Board, from the qualified voters of said town, who shall hold their appointment until the next general election, and until their successors are elected and qualified, and in the absence of the President and Recorder from any meeting of the Town Council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Recorder for the time being. Vacancies in council

SEC. 10. The Town Council shall have power to provide for the employment of attorneys, the appointment or election of Treasurer, Town Marshal, and all subordinate officers which they may think necessary for the good government and well being of said town, to prescribe their duties and terms of their appointments and the fees they shall receive for their respective services, when the same is not otherwise provided for by this act, and to require them to take an oath of office previous to entering upon the duties of their respective offices, and shall further require of them a bond with sufficient security, conditioned for the faithful performance of the duties of their respective offices; and it is hereby provided that the said Treasurer shall pay no moneys, except upon the order of the Town Council, signed by the President and countersigned by the Recorder. The Town Council shall also have power to fix to the violation of the by-laws and ordinances of the corporation, reasonable fines and penalties; provided that no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted up in one of the most public places of said town, or published in some newspaper in said town, at least ten days, and the certificate of the Recorder entered upon the record of said Town Council shall be deemed and taken to be sufficient evidence of such publication. Powers of council

SEC. 11. The Town Council shall have power to enact, establish, publish, alter, amend or repeal all such ordinances, rules and by-laws for the government and good order of the town, for the suppression of vice and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of any such ordinances, rules or by-laws, and such Ordinances, rules and by laws are hereby declared to be, and to have the force of law; *provided*, that they be not repugnant to the Constitution Powers of council

and laws of the United States and of this State. Said Town Council shall have power to prevent, abate and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner of any grocery, cellar, chandler's shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same from time to time, as often as may be deemed necessary for the health, comfort and convenience of the town. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common laws. To restrain and prohibit all descriptions of gaming, or fraudulent devices and practices, and all playing of cards, dice and other games of chance, for the purpose of gambling in said town. To prevent any noise, disturbances or disorderly assemblages, with power to demand the assistance of the citizens to effect the same, suppress and restrain disorderly houses, groceries, shows and exhibitions. To prevent encumbering the streets, side-walks and public grounds with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire wood, or other material or substances whatever. To prevent horse racing, immoderate riding or driving in the streets. To restrain drunkards or immoderate drinking or obscenity in the streets or public places, and provide for arresting, fining or imprisoning any person or persons who may be guilty of the same. To regulate and provide for the improvement and grading of the streets, avenues and alleys in said town. Also to lay out, alter, extend, grade and keep in good repair the levee in front of said town, under such rules and regulations as they may adopt. Also to erect any buildings necessary for the use of said town. Also to lay out, enclose and regulate the public grounds and squares. Also to provide for one or more public schools, and the erection of necessary school houses for the same.

Powers of council

Sec. 12. For the purpose of more effectually enabling the said town to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes, within the limits of said corporation, made taxable by the laws of this State, so that said tax shall not exceed in any one year, one per cent. on the valuation of the property, as the same may be found on the books of the County Commissioners at the time of assessing said tax. The town shall also have power, if authorized to do so by a majority of the holders of real estate in said town, at any meeting called for that purpose, to levy, by *viva voce* vote, an additional tax as above specified, sufficient to carry into effect any of the provisions of this Act, public notice of which meeting and the object thereof, shall be given by posting up a written or printed notice thereof in at least

Tax how levied

three of the most public places of said town, ten days before the time of such meeting.

Tax how collected

SEC. 13. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes charged each individual owning property in said corporation, with the amount assessed on each item of property, as found on the books of the County Commissioners aforesaid, which duplicate shall be certified by the President and Recorder, and one copy thereof placed in the hands of the Marshal, or such other person as may be appointed collector, whose duty it shall be to collect said tax in the same manner and under the same regulations as county taxes are collected, and the said Marshal or such other person as may be appointed collector, shall, immediately after collecting said tax, pay the same over to the Treasurer of said corporation, and take his receipt therefor; and the said Marshal or other collector, shall have the same power to sell real and personal property for the non-payment of corporation taxes as is given to the county collector; and when necessary, the Recorder shall have power to make deeds in the same manner as sheriffs do, and the Marshal or other collector shall receive for his fees such sum as the Town Council may direct, not exceeding six per centum on all monies so by him collected, to be paid by the Treasurer on the order of the Recorder.

Books and papers

SEC. 14. The President, Recorder or other officer of said corporation, shall, on demand, deliver to their successors in office, all such books and other property as appertain in any wise to said corporation.

SEC. 15. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER V.

An Act to incorporate the Town of Osseo.

SECTION. 1. Boundary of the Town.
2. Trustees of the Town.
3. First election of Officers.
4. Powers of the Corporation.
5. Duty of the President of Council.
6. Power of Council to fill vacancies.
7. Authority to make By-laws and Ordinances.
8. Authority to levy tax.
9. Manner of collecting tax.
10. Books and papers to be given to successors.
11. Pre-emption of the town-site to be made by Council.

Be it enacted by the Legislature of the State of Minnesota:

Boundary

SECTION 1. That so much land as is contained within the town of Osseo, according to a survey and plat of said town, made by J. W. Sanders, for the proprietors of said town of Osseo, and situated in the county of Wright, and State of Minnesota, as appears by the recorded plat of the same in the office of the Register of Deeds of Wright county.

Trustees

SEC. 2. That for the good order and improvement of said town, Elijah Doble be, and is hereby appointed President, Thomas Doble, John McDonald, H. W. McCrory, Charles J. Daiken, Wm. McDonald, John Doble, Lorenzo Doble, T. H. Daiken and Amos McDonald be, and are hereby appointed Trustees, which Board of Trustees shall elect a Secretary, and said President, Trustees and Secretary, shall constitute the Council of said Town, and shall hold their offices until their successors be elected and qualified.

First election

SEC. 3. The male inhabitants of said town being qualified voters, may at any election of State and County officers, elect successors to the aforesaid Council, who shall enter upon the duties of their offices on the first Wednesday of January, and shall before entering upon the duties of their offices, take an oath to support the Constitution of the United States, and also an oath of office.

Corporate powers

SEC. 4. The President, Trustees and Secretary of said town shall be, and are hereby created a body corporate and politic with perpetual succession, to be known by the name and title of the town of Osseo, and shall be capable in law by the corporate name aforesaid, to acquire, hold and convey property, real and personal, for the use of said town. They may have a common seal, and may alter and renew the same at pleasure, may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity: and when any suit shall be commenced against said town,

the first process shall be served by an attested copy thereof, with the Secretary at his usual place of residence, at least twenty days previous to the return day of such process. The officers of said town shall have a right of action against all trespassers upon the property of said town, and every person trespassing upon any lands within the limits of said town, or occupying said lands without a conveyance from the proprietors of said town, or their trustees, agents or assigns, shall forfeit all improvements he may make on such lands, and shall be liable to pay damages to twice the amount of actual injustice done to said lands.

President

SEC. 5. The President, and in his absence the Secretary, shall attend to all meetings of the Council, and make a fair and accurate record of their proceedings, and of the by-laws, rules and ordinances made or passed by said Council, and the same shall be open for inspection of the electors of said town; but in absence of the Secretary, the Trustees shall appoint one of their own body Secretary *pro tem.*

Vacancies how to be filled

SEC. 6. The said town council shall have power to fill all vacancies which may occur in said Board, from the householders of said town, who shall hold their appointment until their successors shall be elected and qualified; and in the absence of the President and Secretary from any meeting of the town council, the trustees shall have power to appoint any two of their number to perform the duties of President and Secretary for the time being.

Powers of council

SEC. 7. The town council aforesaid shall have power to make, ordain and establish by-laws and ordinances for the government of said town; *Provided*, that no such by-laws and ordinances shall conflict with the laws of the United States, or of this State; and to fix reasonable fines and penalties for the violation of such by-laws and ordinances, to provide for the election of Treasurer and Marshal, and suitable subordinate officers of said town, and fix the compensation of said officers; to regulate and improve the levees, piers, streets and alleys, determine the width of side-walks, in said town, to regulate the public grounds, to remove all nuisances and obstructions from the streets and grounds of said town, and to do all things which similar corporations have power to do in order to provide for the health, security, and good order of said town.

Tax how to be assessed

SEC. 8. For the purpose of enabling the said council to carry into effect the provisions of this act, they are hereby authorized and empowered to assess a tax for corporation purposes, on all taxable property within the limits of said corporation, which tax shall not exceed in any year, one cent on the dollar valuation, as the same may be found on the books of the Commissioners of the county in which said town may be located, at the time of assessing such tax.

SEC. 9. When any tax is levied, it shall be the duty of the Secretary to make out a duplicate of the taxes assessed

Tax manner of collecting

against each individual, and on each item of property, which duplicate shall be certified by the President and Secretary, and one copy placed in the hands of the Marshal, whose duty it shall be to collect such tax, in the same manner and under the same regulations as county taxes are collected in this State; and the said Marshal shall immediately after collecting said tax, pay the same over to the Treasurer of said corporation, and take his receipt therefor. And said Marshal shall have the power to sell property, both real and personal in the same manner and under the same regulations as the collectors of county taxes for the non-payment of said corporation tax, and when necessary the Secretary shall have power to make deeds in the same manner as Sheriffs do; and the Marshal shall receive for his fee such sum as the Town Council may direct, not to exceed six per cent. of the taxes by him collected.

Books and papers

SEC. 10. The President, Secretary and other officers of said town shall, on demand, deliver to their successors in office all books, papers, or other property belonging to said town.

Pre-emption of town site

SEC. 11. It shall be the duty of said Council of said town to apply for a pre-emption of the land within the limits of said town, not exceeding three hundred and twenty acres, under the provisions of an act of Congress, entitled An Act for the relief of citizens of towns upon lands of the United States, under certain circumstances, approved May 23d, 1844; and as soon as the title to said land shall be obtained, aforesaid, to ascertain the persons entitled to the various *lots* and blocks within said town, who may have a valid right to the same, either by original claim, or by transfer, by the person having made such original claim, and to deed, under the hand of the President and Secretary, and sealed by the seal of said corporation, to such person so entitled, the lots or blocks to which such person may be entitled: *Provided*, That no street or alley, or other public ground shall be so deeded; and, *provided also*, That every person or persons to whom such lots or blocks shall be deeded as aforesaid, shall first pay to the Treasurer or Secretary of said town, for such lots or blocks, the cost of entry and incidental expenses of the same.

GEORGE BRADLEY,
Speaker *pro tem.* of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-five, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 25, 1858.

I hereby certify the above to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER VI.

An Act to incorporate the Town of South Bend.

SECTION 1. Boundaries.
2. First officers of Town.
3. First election under the incorporation.
4. Corporate powers of the Town Council.
5. Duties of the President.
6. Vacancies in Council how filled.
7. Powers of Town Council.
8. Books and papers to be given up to successors in office.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained within the original Town of South Bend according to a survey and plat of said town for the proprietors of said town, and situated in the County of Blue Earth and State of Minnesota, as appears by the recorded plat of the same in the office of the Register of Deeds of Blue Earth County, be and the same is hereby created a town corporate. **Boundary**

SEC. 2. That, for the good order and improvement of said town, Wm. R. Price is hereby appointed President: C. Whitford, Dr. Havens and J. Bernard be, and are hereby appointed Trustees, and P. F. Eckstome is hereby appointed Secretary,—which said President, Trustees and Secretary shall constitute the Council of said town, and shall hold their offices until their successors be elected and qualified. **Trustees**

SEC. 3. The male inhabitants of said town being qualified voters may, at any election of State and County officers, elect successors to the aforesaid Council, who shall enter upon the duties of their offices upon the first Wednesday of January next after such election, and shall, before entering upon the duties of their office, take an oath to support the Constitution of the United States and also an oath of office. **First election**

SEC. 4. The President, Trustees and Secretary of said town shall be and are hereby created a body corporate and politic, with perpetual succession, to be known by the name and title of the Town of South Bend: and shall be capable in law, by the corporate name aforesaid, to acquire, hold and convey property, real and personal, for the use of said town. They may have a common seal, and may alter and renew the same at pleasure: may sue and be sued, plead and be impleaded, defend and be defended in all the courts of law and equity; and when any suit shall be commenced against said town the first process shall be served by leaving an attested copy thereof with the Secretary at his usual place of residence, at least twenty days previous to the return-day of such **Corporate powers**

process. The officers of said town shall have a right of action against all trespassers on the property of said town; and any person trespassing upon any lands within the limits of said town, or occupying such lands without a conveyance from the proprietors of said town or their trustees, agents or assigns, shall forfeit all improvements he may make on such lands and shall be liable to pay damages to twice the amount of actual injustice done to said lands.

President

SEC. 5. The President, and, in his absence, the Secretary, shall attend all meetings of said Council and make a fair and accurate record of their proceedings and of the by-laws, rules and ordinances made or passed by said Council, and the same shall be open for inspection of the electors of said town.

Vacancies

SEC. 6. The said Town Council shall have power to fill all vacancies which may occur in said Board from the householders of said town, who shall hold their appointment until their successors are elected and qualified; and in the absence of the President and Secretary from any meeting of the Town Council the Trustees shall have power to appoint any two of their number to perform the duties of President and Secretary for the time being.

Powers of council

SEC. 7. The Town Council shall have power to make, ordain and establish by-laws and ordinances for the government of said town: *Provided*, That no such by-laws and ordinances shall conflict with the laws of the United States or of this State; and to fix reasonable fines and penalties for the the violation of such by-laws and ordinances;—to provide for the election of a Treasurer and Marshal and suitable subordinate officers of said town, and to fix the compensation of said officers; to regulate and improve the levees, piers, streets and alleys: determine the width of sidewalks; to regulate the public grounds; to remove all nuisances and obstructions from the streets and public grounds of said town, and to do all things which similar corporations have power to do in order to provide for the health, security and good order of said town.

SEC. 8. The Secretary, President and other officers of said town shall, on demand, deliver to their successors in office all books, papers and other property belonging to said town.

Books and papers

SEC. 9. This act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
ST. PAUL, March 20, 1858.

I hereby certify the foregoing to be a correct copy of the original bill now on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER VII.

An Act to incorporate the Town of Albion.

SECTION 1. Boundaries of the town.
2. First Election, when to be holden.
3. Manner of conducting Election.
4. Corporate powers.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries

SEC. 1. That so much is contained in the Plat of town of Albion, in the county of Wright, and recorded in the Register of Deeds office in said county, containing three hundred and twenty acres, be, and the same is hereby created, a town corporate, by the name of Albion, and shall have and enjoy all the powers, privileges and responsibilities usually enjoyed by mnnicipal corporations.

First election

SEC. 2. That for the good order and government of said town, it shall be lawful for the qualified voters of said town to meet on the first Wednesday of September next, and at the same time annually thereafter, at such place in said town as the Town Council hereinafter appointed, or any three may direct, and then and there proceed to elect by ballot, one President, one Secretary, and three Trustees, qualified voters of said town, who shall hold their offices one year, or until their successors shall be elected and qualified, and such President, Secretary and Trustees being so elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties and for the purposes of entering said town site and acquiring the title thereto. Wm. Creighton is hereby appointed President, B. F. Thomas, Secretary, N. Holmes, S. S. Creighton and Robert Holmes, Trustees of said town, and they shall constitute said Town Council until their successors are elected, as herein provided, with all the powers and duties of the same.

Elections how conducted

SEC. 3. At the first election to be held under this act, there shall be chosen by the electors present at the time for opening the polls on the day for holding said first election, two Judges, and a Clerk of said election, who shall take an oath or affirmation, faithfully to discharge the duties required of them by this act, and at all subsequent elections, the trustees or any two of them shall act as Judges, and the secretary, or in his absence, some person to be appointed by the Judges, shall be clerk. The polls shall be opened between the hours of ten and eleven in the forenoon,

and closed at four in the afternoon of said day, and at the close of the polls, the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the Judges, and the clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of said Town Council, at least ten days before each and every election, to give notice of the same by putting up notices at three of the most public places in said town.

Corporate powers

SEC. 4. The President and Trustees of said town are hereby created a body politic and corporate, with perpetual succession, to be known and designated by the name of the Town of Albion, and shall possess all the rights, and be subject to all the liabilities usually belonging to municipal corporations.

SEC. 5. This act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

Approved—February twenty-four, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 24, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER VIII.

An Act to incorporate the Town of Winnebago.

SECTION 1. Boundaries of the town.
2. First Election, when to be holden.
3. Manner of conducting Election.
4. Corporate powers.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries

SECTION 1. That so much land as has been surveyed, mapped and recorded in the Registry of Deeds in the County

of Stearns, not exceeding three hundred and twenty (320) acres, be, and the same is, hereby created a town corporate by the name of Winnebago, with all powers, privileges and responsibilities usually enjoyed by municipal corporations.

Officers.

SEC. 2. That the corporate authorities of said town shall be a President and Common Council, which shall be known as the "President and Common Council of Winnebago." That for the good order and government of said town, it shall be lawful for the President thereof, on or before the first day of October, A. D. 1858, to appoint not less than three discreet persons as the Common Council, who shall serve until their successors are chosen and qualified, and who, with the consent of the President, shall have full power and authority to make and establish all needful rules and regulations for the government of said town corporate.

Duty of president.

SEC. 3. It shall be the duty of said President, with the consent of the Council of the said town corporate, to enter so much land within the corporate limits of said town as can be entered under the provisions of the act of Congress entitled an Act for the Relief of Citizens of Towns upon lands of the United States under certain circumstances, approved May 23d, 1854.

Duty of council.

SEC. 4. It shall be the duty of the Common Council, as soon as the titles of said lands shall be obtained, pursuant to the third section of this act, to ascertain the number of persons entitled legally and equitably to lots or squares within said town, and to deed under the hand of the President and seal of the corporation, to every such person entitled as aforesaid; *Provided*, That any person or persons to whom lots or squares shall be so deeded, shall previously have paid the sum of one dollar for each deed and acknowledgment so required to be made.

First President.

SEC. 5. That James A. Lovejoy shall be the first President of said town corporate, and shall serve from and after the date of this act, until his successors shall be chosen and qualified, under such rules as the Common Council shall establish; and in the event of any vacancy of the President, the Common Council may fill the same; and if in the Common Council, the same may be filled by the President of said town corporate.

Take effect.

SEC. 6. This act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March three, one thousand eight hundred and fifty eight. CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office. CHAS. L. CHASE, Secretary.

CHAPTER IX.

An Act to Incorporate the Town of Senterville.

SECTION 1. Corporate limits of the town.
2. First election for town officers.
3. Corporate powers of the town.

Be it enacted by the Legislature of the State of Minnesota:

Boundary

SECTION 1. That so much land in the county of Stearns, and State of Minnesota, as has been surveyed, plated, and located, in the office of the Register of Deeds of said county, under the name of Marysville, and Senter's Addition thereto, be and the same is hereby created a town corporate by the name of Senterville.

First election

SEC. 2. That for the good government of said town, it shall be lawful for the qualified voters to meet at the usual place of holding elections of said town (Senterville), on the first Wednesday of April next, and at the same time annually thereafter, to elect one President, one Recorder, and three Trustees, being householders of said town, and having the qualifications of electors, shall hold their offices for one year, or till their successors are duly elected and qualified, and such President, Recorder, and Trustees, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business.

Corporate powers

SEC. 3. The President, Recorder, and Trustees of said town, shall be and are hereby created a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the town of Senterville, and their duties and privileges shall be the same as those described and allowed in an Act to Incorporate the town of St. Cloud, Approved March 1st, 1856.

Take effect

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro. tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro. tem.* of the Senate.

APPROVED—March third, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
SAINT PAUL, March 3, 1858.

I hereby certify the foregoing to be a correct copy of the original bill on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER X.

An Act to provide for the Location of a State Road from Chatfield, in Fillmore county, to Winnebago City, in Faribault county.

SECTION 1. Board of Commissioners.
2. Meeting of Commissioners.
3. Make draft of location of Road.
4. Commissioners per diem.
5. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commencing

SEC. 1. That O. P. Knox, James Jones, and Andrew C. Dunn, are hereby appointed Commissioners to locate and mark out a State road, commencing at Chatfield, in Fillmore county, from thence by the way of High Forest, Madison, Geneva, and Freeborn, to Winnebago City, in Faribault county.

Board to meet

SEC. 2. That said Commissioners shall meet at Chatfield on or before the first Monday in August, A. D. 1858, and proceed to discharge the duties imposed upon them by the provisions of this act: *Provided, however*, That in the absence of any one of said Commissioners appointed by this act, the others may have power to supply said vacancy by appointing another Commissioner, or may, in case a majority of them meet, proceed to discharge their duties.

Draft of road

SEC. 3. That said Commissioners shall make out a fair and accurate draft of the location of said road, one copy whereof shall be deposited in the office of the Board of County Commissioners of the respective counties through which said road may pass.

Expenses

SEC. 4. That each county through which said road shall pass, shall pay the expenses incurred in the location of the same, in proportion to the length of said road in each county respectively.

Per diem

SEC. 5. That said Commissioners shall be allowed the sum of three dollars per day for the time necessarily occupied in the location of said road, and they are hereby empowered to employ one surveyor at three dollars per day, two chainmen, and one axeman, at a sum not exceeding two dollars per day.

Take effect

SEC. 6. This act shall take effect on and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

Approved—March eight, eighteen hundred and fifty-eight.
CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XI.

An Act to incorporate the town of Sheldon.

SECTION 1. Boundary of the town.
2. First election for Town Officers.
3. Manner of Conducting Election.
4. Powers of the Town Council Defined.
5. Annual Statement of Finances to be made out.
6. Power to Regulate Streets, &c.
7. Authority to Levy Tax.
8. Manner of Collecting Taxes.
9. Duties of the Town Justice of the Peace.
10. Use of the County Jail allowed.
11. Books and Papers of Officers to be given to Successors.
12. Traveling fees of Marshal.
13. Town Prohibited from Borrowing Monies.
14. Act goes into force immediately.

Be it enacted by the Legislature of the State of Minnesota:

Boundary

SECTION 1. That so much land as is contained within the town of Sheldon, according to a survey and plat of said town, by Mr. J. G. Sheldon, for the proprietors of said town of Sheldon, and situated in the county of Houston, and State of Minnesota, as appears by the recorded plat of the same in the office of the Register of Deeds of said county, and the inhabitants occupying the above described town shall have and possess power by, in and vnder said corporate name, to acquire property, real and personal or mixed, for the use of said town, and may sell and convey the same at pleasure; they may sue and be sued, defend and be defended in all manner of actions, in all courts of law or equity.

First election

SEC. 2. The inhabitants of said town, qualified to vote on State elections, shall meet on the first Tuesday in May, A. D. 1858, at ten o'clock in the forenoon, at the house of John Paddock, in said town, and at the same time annually after-

wards, at such place as the Town Council may direct, and shall then and there proceed by ballot to elect a Justice of the Peace and four Trustees. The Justice of the Peace and the four Trustees shall constitute the Town Council, over whom the Justice of the Peace so elected shall preside as President, and in his absence the Town Council shall have power to appoint one of their number to preside, and a majority of the same shall constitute a quorum for the transaction of any business pertaining to their official duties. They shall have power to elect a Clerk from their own number, whose duties, except as hereinafter provided, shall be directed or appointed by the Town Council, and said officers shall hold their respective offices for the term of one year, and until their successors are elected and qualified.

Election how conducted

SEC. 3. At the first election held under this act, there shall be chosen *viva voce* by the electors present, two Judges and a Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act, and at all subsequent elections, the Trustees, or any two of them shall be Judges, and the Clerk of the Town Council, or in his absence, some person appointed by the Judges shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock, A. M., and closed at four o'clock, P. M., of the same day; and at the close of the polls, the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true report thereof and within five days thereafter he shall give notice to the persons elected of their election; and it shall be the duty of the said Town Council, at least ten days before each and every election, to give notice of the same by setting up advertisements at three of the most public places in said town and by one insertion of the same in any public newspaper that may be published in said town. Each member of said Town Council, before entering upon the duties of his office, shall take an oath or affirmation to support the Constitution of the United States and of this State, and also an oath of office.

Powers of council

SEC. 4. The town Council shall have power to fill all vacancies which may occur in said board, from the voters of said town, who shall hold their appointment until the next annual election, and until their successors shall be elected and qualified. The said Town Council shall have power to make, ordain and establish by-laws, ordinances, rules and regulations for the government of said town; and the same to alter, amend or repeal, at pleasure; to provide in such by-laws for the appointment or election of a Treasurer, Town Marshal and all other subordinate officers which they may think necessary for the good government and well being of said town; to prescribe their duties, and determine the period of their appointment and the fees they shall be entitled to receive for their respective services when the same is not

provided for by law, and require of them to take an oath of office previous to entering upon the duties of their respective offices, and may require of them a bond with security, conditioned for the faithful performance of the duties of their respective offices. The Town Council shall also have power to fix, for a violation of the by-laws and ordinances of the corporation, reasonable fines and penalties: *Provided*, That such by-laws and ordinances be not inconsistent with the constitution and laws of this State; and *Provided, also*, That no by-laws and ordinances of said corporation shall take effect or be in force until the same shall have been posted up at least ten days in three public places in said town, and the certificate of the Clerk entered upon the records of said Town Council shall be deemed and taken as sufficient evidence of such publication.

Annual finance report

SEC. 5. The Town Council shall, at the expiration of each and every year, cause to be made out and posted up as aforesaid, the receipts and expenditures of the preceding year.

Powers of council

SEC. 6. The Town Council shall have power to regulate and improve the streets ard alleys, and determine the width of the sidewalks in said town, to regulate the public grounds, to erect a market house and regulate the markets, to remove all nuisances and obstructions from the streets and commons of said town; to prevent any riots, noise, disturbances, disorderly assemblages, suppress and restrain disorderly houses, and houses of ill-fame; and to authorise the destruction of all instruments used for the purpose of gaming, and to do all things which similar corporations have power to do, in order to provide for and secure health, cleanliness and good order in said town.

Tax how levied

SEC. 7. The Town Council is hereby authorized and empowered to assess a tax for corporation purposes, within the limits of said corporation, made taxable by laws of this State, so that said tax shall not exceed in any year one per cent. on the dollar of valuation, as the same may be found on the books of the County Commissioners of the county in which said town may be situated.

Tax how collected

SEC. 8. When any tax is levied, it shall be the duty of the Clerk to make out a duplicate of the taxes, charging each individual owning property in said corporation, with the amount assessed on each item of property, as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Clerk, and one copy thereof placed in the hands of the Marshal or such other person as shall be appointed to collect said tax, in the same manner and under the same regulations as the county taxes are collected, and the said Marshal or such other person as may be appointed collector, shall, immediately after collecting said taxes, pay the same over to the Treasurer of said corporation and take his receipt therefor, and the said Marshal or other collector, shall have the same power to sell both

real and personal property for the non-payment of corporation taxes as is given to the County Collector, and make the necessary conveyances in the same manner as is provided by law for the conveyance of property sold for the payment of county taxes; and the Marshal and other collector shall receive for his fees such sum as the Common Council may direct, not exceeding five per cent. on all moneys by him collected, and paid over as required by law.

Justice of the peace

SEC. 9. The Justice of the peace elected under the provisions of this act, shall have and possess the same authority and jurisdiction within the limits of said town, as is or may be conferred by law upon Justices of the Peace in the several counties; such Justice of the Peace shall keep a docket, a fair and true record of his proceedings, judgments and executions in all cases which may come before him, and shall be entitled to the same fees as are allowed to Justices of the Peace for similar services.

SEC. 10. Said corporation shall be allowed the use of the jail of the county for the imprisonment of such persons as may be liable to imprisonment under the by-laws and ordinances of said corporation; and such person or persons shall be under the charge of the Sheriff of said county, as in other cases.

Books and papers

SEC. 11. The officers of said corporation shall, on demand, deliver to their successors in office, all such books or other property as appertain in anywise to said corporation.

Traveling fees of marshal

SEC. 12. The Marshal or any other officer authorized to execute writs or other process issued by the Justices of the Peace, shall have power to execute the same within the limits of the county in which said town may be located, and shall be entitled to the same traveling fees as are allowed to Constables in similar cases.

Borrowing money prohibited

SEC. 13. Said town shall have no power to borrow money, nor to be liable to pay money borrowed on its account, nor for advances in its behalf by its officers or any other persons; nor shall said town incur any debt or liability for any purpose which is not fully covered and provided for by the tax authorized in section eight of this act.

SEC. 14. This act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem*, of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
SAINT PAUL, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original now on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XII.

An Act to provide for the location and construction of a State Road from a point near Rochester, in Olmsted County, via New Haven and Pine Island, to Cannon Falls, in Goodhue County.

SECTION 1. Board of Commissioners.
2. Location of Road.
3. Meeting of Commissioners.
4. Draft of Location.
5. Each county to pay expenses.
6. Commissioners per diem.
7. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SEC. 1. That Daniel Heiny, A. P. Ellenwood and A. Oman be, and the same are hereby appointed Commissioners to locate and open out a State road from a point at or near Rochester, Olmsted county, via New Haven, in the same county, and Pine Island, in Goodhue county, to Cannon Falls, or Connon Falls City, in Goodhue county.

Location

SEC. 2. Said road shall commence at the corner stake, between sections five and six, in town 106, range thirteen, and sections thirty-one and thirty-two, in town 107, range thirteen, and running thence to Winona Avenue, in the town of Rochester, shall continue by the most practical route via New Haven, in Olmstead county, and Pine Island in Goodhue county, to Cannon Falls or Cannon Falls City.

Meeting

SEC. 3. The said Commissioners shall meet at Rochester, Olmsted county, on the first Monday of April, A. D. 1858, or as soon as convenient thereafter, and proceed to lay out and mark said road: *Provided, however*, That in the absence of any one of said Commissioners appointed by this act, the other may have power to supply said vacancy by appointing another Commissioner, or may, in case a majority of them meet, proceed to discharge their duties.

Draft

SEC. 4. That said Commissioners shall make out a fair and accurate draft of the location of said road, one copy whereof shall be deposited in the office of the Clerk of the Board of County Commissioners of the respective counties through which said road may pass.

Expenses

SEC. 5. That each county through which said road shall pass, shall pay the expenses incurred in the location of the same, in proportion to the length of said road in each county respectively.

SEC. 6. That said Commissioners shall be allowed the

sum of three dollars per day for the time necessarily occupied in the location of said road; and they are hereby empowered to employ one surveyor at three dollars per day, two chainmen and one axeman, at a sum not exceeding one dollar and fifty cents per day. *Provided, however*, That said Commissioners shall not receive any pay for laying out and marking any point of said road embraced or included in any territorial road already surveyed and opened. Per diem

SEC. 7. This act shall take effect and be in force from and after its passage. Take effect

GEORGE BRADLEY,
Speaker *pro tem.* of the H. of R.
RICHARD. G. MURPHY,
President of the Senate.

APPROVED—March eight, eighteen hundred and fifty-eight.
CHAS. L. CHASE, Acting Governor,

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XIII.

An Act to construct a State Road from Otter Tail City, via Wadena and Crow Wing, in Crow Wing county, to Twin Lakes in Carlton county.

SECTION 1. Board of Commissioners.
2. Meeting of Commissioners.
3. Report plan of construction.
4. Power to appoint Surveyor.
5. Expense to be paid by the counties.
6. Power to appoint substitute.
7. Commissioners per diem.
8. Appropriation of taxes.
9. Notice to be given for sealed proposals.
10. Right of residents or non-residents to work.
11. Legal voters may vote for additional tax.
12. Authorize the levy and collection of special tax.
13. Take effect.

Be it enacted by the Legislature of the State of Minnesota.

SEC. 1. That Thomas Cathcart, Peter Roy and Charles D. Kimball be, and they are hereby appointed Commissioners to survey and locate a State Road from Otter Tail City, by Commissioners.

way of Wadena to Crow Wing, and to some point on the Point Douglas and St. Louis River Military Road between Trenton and Twin Lakes, in Carlton county.

Meeting

SEC. 2. Said Commissioners, or a majority of them, shall meet at the house of Thomas Cathcart, in Crow Wing, on the first Monday in February next, or as soon thereafter as practicable, and proceed to lay out, mark and locate said road.

Report

SEC. 3. Said Commissioners shall report to the Road Commissioners of said counties, such road may be located through a plan of construction and estimated cost, specifying the number of acres of clearing, the number of acres of grading, the number of rods of corduroy, and number of feet, lineal, of bridging required in each of said counties to construct a good wagon road by the most feasible route.

Employ surveyor

SEC. 4. The said Commissioners shall have power, and by this act are authorized to employ a competent surveyor, who shall be entitled to receive for his services, the sum of five dollars per day, and two chainmen and two axemen, who shall receive two dollars per day, during the time actually employed in the survey of said road.

Expense

SEC. 5. The expense of location, survey and construction of said road, shall be paid by the counties through which it passes, in proportion to the distance said road passes through said counties.

Appoint substitute

SEC. 6. A majority of said Commissioners shall have power to appoint a substitute, in the event of the absence or refusal to act of either of said Commissioners.

Per diem

SEC. 7. Said Commissioners shall be entitled to receive each the sum of three dollars per day, for their services, while actually employed in the location of said road.

Appropriate tax

SEC. 8. The Road Commissioners of such counties as said road may be located through, are hereby authorized and required upon the application of twelve residents of any town through which said road may be located, to appropriate any and all highway taxes levied and collected in said county to the construction of said State Road, upon the plan proposed by the aforesaid Commissioners, if a majority of said county Road Commissioners shall deem proper.

Sealed proposals

SEC. 9. Upon said Road Commissioners for the county through which said road is located, determining to appropriate part, or the whole of said highway taxes to the construction of said road, twenty days notice shall be given, requesting sealed proposals for the construction of so much, and such part of said road as said Commissioners may determine upon, and upon the receipt of said proposals a contract shall be awarded to the lowest bidder, who shall give the satisfactory securities for the performance of said work, and said Commissioners are hereby authorized and required to execute contracts, to be paid for upon the completion, in warrants upon the treasury of said county, to be provided for from any highway taxes collected, not otherwise appropriated or especially appropriated by vote of legal voters, in said township.

SEC. 10. Any resident or non-resident owner of real estate, or any person subject to highway taxes, in said counties through which this road may have been located, may, upon notice given to the Supervisor of Roads in any road district through which this road may pass, work out his said tax, under the direction of said Supervisor upon said Road, who shall issue certificates as provided for in section 11, as amended in article 10, chapter 8, of the Statutes of Minnesota, relative to Road Supervisors. Work out tax

SEC. 11. The legal voters of every township through which said road may be located, or a majority of them, upon notice of ten days previously given in writing, by posting in three public places in each of said townships, the application of ten residents of said townships, may, in the usual manner of holding township elections, vote for the levy of an additional special highway tax, not to exceed ten mills upon the dollar of assessed value upon all real and personal estate in said county, to be collected the same as the other State and County taxes, and appropriated to the construction of the aforesaid road, the same as other highway taxes if performed in labor, or by appropriation, if paid in money. Additional tax

SEC. 12. And the said County Commissioners or the legal authorities of said counties aforesaid, shall, upon the certificates of the officers of election in the several towns where said vote shall have been taken, stating that a majority of the voters of such township did upon a certain day, and in accordance with the provisions of this act, vote upon the proposition of a specific tax, authorize the levy and collection of this special State Road tax, and shall perform all acts requisite and necessary to appropriate the money so collected to the construction of said road as aforesaid. Special tax

SEC. 13. This act shall take effect from and after its passage. Take effect

GEORGE BRADLEY,
Speaker *pro tem.* of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seven, eighteen hundred and fifty eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 24, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XIV.

An Act to locate a State road from the west end of the Saint Anthony and North Minneapolis bridge to the western boundary of the State.

SECTION 1. Board of Commissioners.
2. Meeting of Board.
3. Right to appoint substitute.
4. Expenses to be paid by the several counties.
5. Filing of plat or map.
6. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SEC. 1. That Isaac I. Lewis, of Hennepin county, Dr. J. V. Kennedy, of McLeod county, and Eli F. Lewis, of Carver county, be, and are hereby appointed commissioners to locate mark, survey and establish a State road from the west end of the Saint Anthony and North Minneapolis bridge, by the way of Watertown, Winstead, Byron, Cedar City, Kandiyohi and Whitefield to the Western boundary of the State of Minnesota.

Meeting

SEC. 2. The said commissioners, or a majority of them, shall meet at the office of Isaac I. Lewis, in Minneapolis, on the third Monday in February, A. D. 1858, and then proceed to locate and survey said road.

Appoint substitute

SEC. 3. In case the majority of the above named commissioners should fail to convene on the day, as provided in section two, it shall be the duty of the commissioner that may be in attendance on the day so specified, to appoint substitute.

Expenses—how paid

SEC. 4. The expenses incurred in the establishing and surveying of said road, shall be paid by the several counties through which the road may pass.

Filing maps &c

SEC. 5. The map, or plat, or survey of said road, shall be filed by the commissioners in the office of the Secretary of the State of Minnesota, and with the several Registers of Deeds of the counties through which the road may pass, on or before the first Monday of November, A. D. 1858.

Take effect

SEC. 6. That this act shall take effect from and after its passnge.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G MURPAY,
President *pro tem.* of the Senate.

APPROVED—January twenty-second, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, January 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XV.

An Act to provide for the laying out of certain State Roads in the State of Minnesota.

SECTION 1 to 91. Commissioners appointed to locate State Roads.
92. Meeting of Commissioners.
93. Expenses to be paid by the several counties.
94. Deposit copy of plat.
95. Deposit correct account of expense incurred.
96. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners appointed to locate state road from Henderson to Big Cottonwood

SECTION 1. That John Fadden, Francis Baasen, and J. B. Calkins, are hereby appointed Commissioners to locate, survey and establish a State Road from Henderson, in Sibley County, via Redstone, New Ulm, to intersect the Nobles Wagon Road to the Pacific, near the crossing of the Big Cottonwood.

Winnebago to Fon du Lac

SEC. 2. That L. H. Obert, Dr. Nathan Stanton, and Caleb Dorr, are hereby appointed Commissioners to locate, survey and establish a State Road from Winnebago, in Stearns County, via Granite City, in Morrison County, Saganaw, Mille Lac Lake, Portage City, near Sandy Lake, to Fon du Lac on Fon du Lac Bay.

Little Falls to Sterling

SEC. 3. That ——— Johnson, L. H. Obert and James Whitehead, are hereby appointed Commissioners to locate, survey and establish a State Road from Little Falls, in Morrison County, via Granite City, Hanover, on Rum River, Sterling, on Mille Lac Lake, thence to intersect the Government Road from St. Paul to Superior.

Princeton to Crow Wing

SEC. 4. That Jas. L. Curtis, Thomas Cathcart and George Jones, are hereby appointed Commissioners to locate, survey and establish a State Road from Princeton, in Benton County, via Granite City, to Crow Wing.

SEC. 5. That John Fortune, Lars Larson and Elias Lint,

Richmond to Etna

are hereby appointed Commissioners to locate, survey and establish a State Road from Richmond, in Winona County, via Rushford, Rund Ortoo's Mill, Preston, to Etna, in Fillmore County.

Snake River to Rum River

SEC. 6. That James Pennington, Royal C. Gray and Charles H. Randall, are hereby appointed Commissioners to locate, survey and establish a State Road from the mouth of Snake River in Pine County, via Chengwatana, Greely's Farm, to Rum River.

Gordon to Little Falls

SEC. 7. That Anson Northrop, Edward Homes, and William C. Payt, are hereby appointed Commissioners to locate, survey and establish a State Road from a point opposite Gordon, on the St. Croix River, via Fontuna, Hanover, to Little Falls, in Morrison County.

Wyoming to Point Douglas and St. Louis Military Road

SEC. 8. That John Klimer, W. F. Duffs and George Scotter, are hereby appointed Commissioners, to locate, survey and establish a State Road from some point on the St. Paul and Superior Roads, near Wyoming, in Chisago County, via Washington, Sunrise City, to intersect the Point Douglas and St. Louis River Military Roads.

Elliota to Fillmore

SEC. 9. That Isaac Decow, Sayles R. Green, and James R. Kugan, are hereby appointed Commissioners, to locate, survey and establish a State Road from Elliota via Forestville, to Fillmore, in Fillmore County.

Lake City to Owatonna

SEC. 10. That R. C. Baldwin, C. C. Webster and A. J. Johnson, are hereby appointed Commissioners to locate, survey and establish a State Road from Lake City in Wabashaw County, via Zumbrota, to Owatonna, in Steele County.

Owatonna to Vernon

SEC. 11. That John H. Abbott, W. W. Robinson, and James Connell, are hereby appointed Commissioners to locate, survey and establish a State Road from Owatonna, via Mereden, Wilton, to Vernon, in Blue Earth County.

Iowa State Line to Homer

SEC. 12. That J. W. Barrett, S. C. Dick and Charles Brown, are hereby appointed Commissioners to locate, survey and establish a State Road from the Iowa State Line, on the Mississippi River, via Brownsville, La Crescent, Eagle Bluff, Dressback, Dakota, Richmond, Limoide, to Homer.

Monticello to Princeton

SEC. 13. That Horatio Houlton, ——— Putnam, and T. Fell, be, and are hereby appointed Commissioners to locate, survey and establish a State Road from Monticello, by way of Groton, to Princeton.

Mankato to Fort Dodge Road

SEC. 14. That Edwin Howe, James Sherlock and Allen Shuttes, are hereby appointed Commissioners to locate, survey and establish a State Road from Mankato, via Liberty, Shelbyville, Winnebago City, Verona, Blue Earth City, to the Iowa State Line, at or near a point on State Line, known as the termination of the Fort Dodge Road.

Boundary of Winona and Olmstead counties to Faribault

SEC. 15. That Moses Cole, John A. Tarbox and D. J. Bascomb, are hereby appointed Commissioners to locate, survey and establish a State Road from some point on the boundary line between Winona and Olmstead Counties, via Oronoco, Pine Island, to Faribault, in Rice County.

Oronoco to Medford

SEC. 16. That T. A. Olmsted, E. S. Collins and J. S. Pierce, are hereby appointed Commissioners to locate, survey and establish a State Road from Oronoco to Medford.

Forest City to Clearwater

SEC. 17. That Thomas C. Porter, Jacob Ball and William Vanness, are hereby appointed Commissioners to locate, survey and establish a State Road from Forest City to Clearwater.

Forest City to Breckenridge

SEC. 18. That T. H. Skinner, John Wigle and George S. Sholes, are hereby appointed Commissioners to locate, survey and establish a State Road from Forest City to Breckenridge.

Red Wing to Blue Earth city

SEC. 19. That Wm. H. Granger, Ezra M. Bond and Peter B. Davy, are hereby appointed Commissioners to locate, survey and establish a State Road from Red Wing, via Troy, Kenyon, Owatonna, Wilton, to Blue Earth City.

Henderson to Fort Ridgeley

SEC. 20. That Hayacinth Cameron, Michael Cummings and Owen Kanan are hereby appointed Commissioners to locate, survey and establish a State Road from Henderson via Eagle City to Fort Ridgeley.

Blue Earth city to Iowa State Line

SEC. 21. That Albert Wilber, B. F. Lilley and William Campbell, are hereby appointed Commissioners to locate, survey and establish a State Road from Blue Earth City via Pilot Grove, East Avon, Fort Britt, to Odessa, in Jackson county; also a branch road from Fort Britt to the Iowa State Line in the direction of Spirit Lake.

Minneapolis to Irving

SEC. 22. That Charles Hoag, Davis Carlton, I. W. Griswold and George W. Wilson, are hereby appointed Commissioners to locate a State road from Minneapolis via Greenwood, Round Lake, to Kandiyohi; also, branch road from the most feasible point on said road, via Forrest City, to Irving.

Winnebago to Otter Tail city

SEC. 23. That Peter Grant, Geo. Day, Martin Smith, and M. C. Tollman, are hereby appointed Commissioners to locate, survey and establish a State road from Winnebago to Otter Tail City.

St. Charles to Cannon Falls

SEC. 24. That F. D. Loy, R. L. Frazer, and B. Clark, are hereby appointed Commissioners to locate, survey and establish a State road from St. Charles by the most feasible crossing of the Zumbro, to Cannon Falls.

Dohoney's Landing to the Lower Sioux Agency

SEC 25. That Michael Grimes, Walter Dohoney, and Mathew Kiman, are hereby appointed Commissioners to locate, survey and establish a State road from Dohoney's Landing, via Arlington, Eagle City, to the Lower Sioux Agency, in Brown county.

Glencoe to New Ulm

SEC. 26. That John McLeod, Michael Cummings, and E. Pregue, are hereby appointed Commissioners to locate, survey and establish a State road from Glencoe via New Auburn, Eagle City, to New Ulm.

Leroy to Claremont

SEC. 27. That Horace Barber, C. E. Carter, and O. B. Kidder, are hereby appointed Commissioners to locate, survey and establish a State road from Leroy via Brownsdale, Oak Glen, to Claremont.

Austin to Cannon Falls

SEC. 28. That Ormanso Allen, T. G. Patch, and J. C. Dow, are hereby appointed Commissioners to locate, survey and establish a State road from Austin via Brownsdale, Ashland, Claremont, Kenyon, to Cannon Falls.

West St. Paul to Shakopee

SEC. 29. That Wm. Thompson, Daniel Barnes, and Nicholas Glynn, are hereby appointed Commissioners to locate, survey and establish a State road from West St. Paul via Mendota, Brownsville, Spring Point, to Shakopee.

Cannon Falls to Faribault

SEC. 30. That Charles W. Gillett, John L. Scofield, and John Miles, are hereby appointed Commissioners to locate, survey and establish a State road from Cannon Falls to Faribault.

Lake City to Mantorville

SEC. 31. That H. W. McDaugal, Sprague Barber, and C. K. White, are hereby appointed Commissioners to locate, survey and establish a State road from Lake City, via Mazeppa, Pine Island, to Mantorville.

Crystal Lake to Odessa

SEC. 32. That Daniel Buck, LeGrand Abbott, and J. B. Chiffins, are hereby appointed Commissioners to locate, survey and establish a State road from Crystal Lake City, via Madelia, to Odessa, in Jackson county.

Waterford to Cannon City

SEC. 33. That G. A. Sears, Benjamin Lockerby, and R. F. Randolph, are hereby appointed Commissioners to locate, survey and establish a State road from Waterford, via Southfield, Dundass, to Cannon City.

Winnebago to Breckenridge

SEC. 34. That M. C. Folleman, Anson Northrop, Winslow Libbey, and William Kinkead, are hereby appointed Commissioners to locate, survey and establish a State road from Winnebago to Breckenridge.

Otranto to Owatonna

SEC. 35. That C. B. Pettie, A. C. Goggswell, and Joseph Richards, are hereby appointed Commissioners to locate, survey and establish a State road from the State line to Otranto, via Austin, Oak Glen, Aurora Centre, Juno, to Owatonna.

Clearwater to Cold Spring

SEC. 36. That W. D. Davis, Joseph Dam, and Seth Turner, are hereby appointed Commissioners to locate, survey and establish a State road from Clear Water, via Main Prairie to Cold Spring, on Sauk River.

Wabashaw to Blue Earth city

SEC. 37. That S. C. Hicks, John B. Clark, and Charles Reed, are hereby appointed Commissioners to locate, survey and establish a State road from Wabashaw, via Mazeppa, Oronoco, Mantorville, Freeborn, Marengo to Blue Earth City.

Stanton to Henderson to C Bundy's and Waterford

SEC. 38. That George Lovins, James A. Alexander, and R. F. Randolph, are hereby appointed Commissioners to locate, survey and establish a State road from Stanton's, via Northfield, C. Bundy's, Lexington, to Henderson; also, branch from C. Bundy's, via Lorenzo, to Waterford, and that the county road from Hastings to Hastings, as reported by survey and plat of the same, is hereby declared a State road, in connection with the road hereby authorized to be located.

Reed's Landing to Mankato

Sec. 39. That Charles Hill, S. A. Suty, and H. W. Peck, are hereby appointed to locate, survey and esatblish a State road from Reed's Landing, via Roscoe, Dodge City, Iosco, to Mankato.

Wabashaw to Mount Vernon

Sec. 40. That I. B. Trower, William Weaver, and C. C. Sylvester, are hereby appointed Commissioners to locate, survey and establish a State road from Wabashaw, via Minneska to Mount Vernon.

Wabashaw to Rice Lake

Sec. 41. That J. B. Downer, Johnson Lunt, and John McCullum, are hereby appointed Commissioners to locate, survey and establish a State road from Wabashaw, via West Albany, to Rice Lake in Dodge county.

Chatfield and Watson's Branch and Bellville to lake Albert Lee

Sec. 42. That Peter Johnson, Andrew Fitch, and S. F. Dienson, be and are hereby appointed Commissioners to relocate that portion of the Territorial road from Rochester to Eliota via Chatfield and Preston to Eleota, that lies between Chatfield and Watson branch. And Knude Paterson, Harvey Bell and W. R. Angle, be and are hereby appointed Commissioners to locate a State road from Bellville to Lake Albert Lea.

Lake City to High Forest

Sec. 43. That B. C. Baldwin, F. A. Soules, and G. J. Covell, are hereby appointed Commissioners to locate, survey and establish a State road from Lake City, via Rochester to High Forest.

Henderson to Kandiyohi

Sec. 44. That Charles Hennesy, James Perry, and Robert Grimshaw, are appointed Commissioners to locate, survey and establish a State road from Henderson, via Arlington, New Auburn, Grimshaw Settlement, Kern City, to Kandiyohi.

Boundary line between Winona & Fillmore counties to Leroy

Sec. 45. That John Kaircher, John Long, and N. P. Tood, are hereby appointed Commissioners to locate, survey and establish a State road from some point on the boundary line between Winona and Fillmore counties, via Preston, Carmonia, Forestville, to Leroy.

La Crescent to Chatfield

Sec. 46. That John L. Looney, L. S. Snow, and Tollif Fladeland, are hereby appointed Commissioners to locate, survey and establish a State road from La Crescent, via Dayville, Looneyville, Rushford, to Chatfield.

Looneyville to Eleota

Sec. 47. That T. H. Conniff, William Galloway, and L. L. Streeter, are hereby appointed Commissioners to locate, survey and establish a State road from Looneyville, via Houston, Yucatan, Dedham, Newburgh, Lenora, to Eleota.

Winona to Fillmore

Sec. 48. That Geo. Decow, Harvey H. Curtis, and Fayette Phillips, are hereby appointed Commissioners to locate, survey and establish a State road from Winona, via Anoka to Fillmore.

Section 32 to section 35

Sec. 49. That J. D. Williams, William Fis, and Isaac Rose, are hereby appointed Commissioners to locate, survey and establish a State road from section No. 32, town No. 28, range No. 28, in Ramsey county, to Williams' Ferry, on the Mississippi in section No. 14, town 28, range 23, thence through section 28 in a ditect line to intersect the Dodds road in section 35.

Mankato to Scott or Dakota counties

SEC. 50. That C. E. Hastings, David Ruttle and Basil Moreland be and are hereby appointed Commissioners to locate, survey and establish a State road from Mankato, via Cedar Lake P. O., to intersect the Dodd road at a point the Commissioners may select in Scott or Dakota county.

Minneiska to High Forrest

SEC. 51. That Alexander Gilbert, John R. Brown and Charles Grannis are hereby appointed commissioners to locate, survey and establish a State road from Minneiska, Marion to High Forest.

Red Wing to High Forrest

SEC. 52. That Orrin Lord, T. A. Olmsted and William B. Tattersall, are hereby appointed commissioners to locate, survey and establish a State road from Red Wing, via Mazeppa, Oronoco, to High Forest.

Lake City to Austin

SEC. 53. That O. Tibbetts, S. C. Hicks,——are hereby appointed Commissioners to locate, survey and establish a State road from Lake City, in Wabashaw county, via Oronoco, to Austin in Mower county.

Quincy to Princeton

SEC. 54. That John Thompson, Charles H. Chadburn, of Sherburne county, and Oscar Heath, of Benton county, are hereby appointed Commissioners to locate, survey and establish a State road from Quincy or Kinckerson, in Sherburne county via Hayden's Lake, to Princeton, in Benton county.

Pokegemah Falls to Duluth

SEC. 55. That J. S. Watrous, John A. Coburn, and A. L. Smith, are hereby appointed Commissioners to locate, survey and establish a State road from Pokegemah Falls, on the Mississippi river, to a point on Lake Superior north of Duluth.

Crow Wing to Pokegemah Falls

SEC. 56. That J. D. Cruttenden, F. J. Whitlock, and A. L. Smith, are hereby appointed Commissioners to locate, survey and establish a State road from Crow Wing to Pokegemah Falls on the Mississippi river.

Belle Plaine to Glencoe

SEC. 57. That R. H. Reap, J. F. Baldwin, F. J. Whitlock and J. H. Stevens, are hereby appointed Commissioners to locate, survey and establish a State road from Belle Plaine to Glencoe.

Owatonna to Northfield

SEC. 58. That G. M. Sears, Jesse Sumner, and Benjamin Lockerby, are hereby appointed Commissioners to locate, alter and establish said road from a point on the Territorial road from Owatonna to Hastings, where said road angles from the quarter line, in section 2, town 110, range 20, thence on the quarter line north, or nearly so, via. Dundas to Northfield.

St Peter to Fort Ridgeley

SEC. 59. That F. Leavenworth, William Parish, and John Ryan, are hereby appointed Commissioners to locate, survey and establish a State road from St. Peter to Fort Ridgley.

St Peter to New Ulm

SEC. 60. That John L. Hows, Gustavus Ames, and M. Wagner, are hereby appointed Commissioners to locate, survey and establish a State road from St. Peter to New Ulm.

Clearwater to Columbia

SEC. 61. That Joseph Dam, Z. Caswell, and W. D. Davis, are hereby appointed Commissioners to locate, survey and establish a State road from Clear Water, via Main Prairie, Manannah, to Columbia.

Centerville to Westport

SEC. 62. That O. S. Senter, O. Parwell, and Sam. S. Bruce, are hereby appointed Commissioners to locate, survey and establish a State road from Centerville, via Cold Spring, Sauk Center to Westport.

Winnebago to Kenebec

SEC. 63. That Asaa Libby, Martin Smith, Martin Higby, and Abijah Walker, are hereby appointed Commissioners to locate, survey and establish a State road from Winnebago to Kenebec.

Crow Wing to Calais

SEC. 64. That Elijah Dumphly, Alexander Campbell, and Robert Simpson, are hereby appointed Commissioners to locate, survey and establish a State road from Crow Wing to Calais.

Glencoe to Faribault

SEC. 65. That John McLeod, John Copeland, Denis Doyle and John Johnson, are hereby appointed Commissioners to locate, survey and establish a State road from Glencoe via Henderson, St. Bridget, Shieldsville to Faribault.

St Peter to St Cloud

SEC. 66. That J. S. Perry, John McLeod, and William Mills, are hereby appointed Commissioners to locate, survey and establish a State road from St. Peter, via Arlington, Glencoe to St. Cloud.

Henderson to Lac Traverse

SEC. 67. That S. F. Brown, W. H. Bishop, N. R. Brown, Charles Renville and Francis Roy, are hereby appointed Commissioners to locate, survey and establish a State road from Henderson to Lac Traverse, with branch by Yellow Medicine to the western line of the State, provided said roads are located, surveyed and established without expense to the State or counties through which they may pass.

Henderson to New Ulm

SEC. 68. That John Bush, B. H. Randal and Josiah Moores are hereby appointed Commissioners to locate, survey and establish a State road from Henderion, via Lafayette to New Ulm.

Waconia to Forest City

SEC. 69. That Jonas Johnson, E. F. Lewis and Josiah P. Moore are hereby appointed Commissioners to locate, survey and establish aState road from Waconia in Carver county, to intersect the State road from Minneapolis to Kandyohi, where said road branches to Forest City.

Dayton to Hutchinson

SEC. 70. That Lewis Harrington, J. B. Hinkley and W. W. Pendergast, are hereby appointed as Commissioners to locate, survey and establish a State road from Dayton, via Greenwood to Hutchinson in McLeod county.

Henderson to Dayton

SEC. 71. That A. C. Kimball, John Bruggeman and D. Scott, are hereby appointed Commissioners to locate, survey and establish a State road from Henderson, via Perkinsville to Dayton.

Glencoe to Dayton

SEC. 72. That J. B. Hinkley, J. F. Powells and James Philips, are hereby appointed Commissioners to locate, survey and establish a State road from Glencoe to Dayton.

Mankato to Nobles Wagon Road

SEC. 73. That Wm. S. Sargent, F. Leavenworth and J. B. Calkins, are hereby appointed Commissioners to locate, survey and establish a State road from Mankato, via Eureka, crossing the Big Cotton Wood in section 34, town 110, range

31, thence to intersect the road from New Ulm to Nobles' wagon road.

Traverse des Sioux to Henderson

SEC. 74. That Adam Buck, Wm. Mayor and Geo. McLeod are hereby appointed Commissioners to locate, survey and establish a State road from Traverse des Sioux on the west side of the Minnesota river to Henderson.

Madelia to Benton Lake

SEC. 75. That T. Mullen, P. D. Rutledge and H. B. Shannon are hereby appointed Commissioners to locate, survey and establish a State road from Madelia in Brown county, west to Benton Lake.

Reed's Landing to Oronoco

SEC. 76. That John B. Clark, Edward York and B. H. Levy, are hereby appointed Commissioners to locate, survey and establish a State road from Reed's Landing to Oronoco by the most direct route.

Otter Tail City to Breckenridge

SEC. 77. That George Hollister, S. S. Hills and A. Mericle are hereby appointed Commissioners to locate, survey and establish a State road from Otter Tail City to Breckenridge.

Lakeville to Belle Plaine

SEC. 78. That J. F. Baldwin, L. R. Hawkins and—— Hastings, are hereby appointed Commissioners to locate, survey and establish a State road from Lakeville in Dakota county, by way of Helena to Belle Plaine in Scott county.

Waterville to Owatonna

SEC. 79. That Washington Morse, D. B. Parsons and J. H. Abbott, be and are hereby appointed Commissioners to locate, survey and establish a State road from Waterville, in Le Seuer county, to Owatonnia in Steele county.

Lake City to range 12 or 14

SEC. 80. M. Deville, A. T. Averilli and A. Tibbets, are appointed Commissioners to lay out a State road from Lake City to a point on the Wabashaw and Faribault road, town 111, range 12, or 14.

Lake City to Faribault

SEC. 81. S. Dougherty, H. K. Terrell and Frederick Mache are appointed Commissioners to lay out a State road from Lake City to Faribault, via Zumbrota and Kenyon.

St Paul to Marine

SEC. 82. That James Bell, J. Casey, John Bell and Asa Parker, are hereby appointed Commissioners to lay out a road from St. Paul, via Phalon Lake and the Bell farm to Marine, in the county of Washington.

New Ulm to Blue Earth city

SEC. 83. That Julius Beherendt, John Harmon, of Brown county, and R. M. Ream of Faribault county, are hereby appointed Commissioners to locate, survey and establish a State road from New Ulm, via Madelia, to Blue Earth City.

Belle Plane to Monticello

SEC. 84. That J. F. Baldwin, Joel Floreala and Alfred Hoor, be, and the same are hereby appointed Commissioners to locate, survey and establish a State road from Belle Plaine to Monticello.

Faribault to Traverse

SEC. 85. That Christian Hershay, G. N. Batchell, and Geo. H. McCloud, are hereby appointed Commissioners to locate, survey and establish a State road from Faribault, via Warsaw to Traverse, in Nicollet county.

SEC. 86 That E. E. Smith, J. S. Fisher and Alexander Wood are hereby appointed Commissioners to survey, locate and establish the following State roads, viz: From Blue

Blue Earth to Jackson—Mankato to Jackson—Fairmont to Iowa State Line

Earth City via Fairmount, county-seat of Martin County, to Jackson, county-seat of Jackson; also, a road from Mankato, via Arcadia, in Brown County, to Jackson in Jackson County; also, a road from Fairmount in a southerly direction to the State line of Iowa.

Winnebago to Chain Lakes

SEC. 87. That H. S. Young, Geo. K. Weston and E. H. Kurmit be appointed Commissioners to lay out and establish a State road from Winnebago City, in Faribault County, to some point on the east and west Chain Lakes, in Martin County.

Florence to Mazeppa

SEC. 88. That Horace Eldred, James Davis and Moses Kelly are hereby appointed commissioners to locate, survey and establish a State road from Florence, Goodhue County, to Mazeppa, via Gray's Settlement.

Brownsville to Mankato

SEC. 89. That Embrick Hudson, Edmund Hill and Job Brown are hereby appointed Commissioners to re-locate and establish such portion of the Territorial Road from Brownsville to Mankato as lays between Gilbert Anderson's, in town 101, range 5 west, section 16,—town 101, range 7.

Tepeeotah to Zumbro River

SEC. 90. That Lewis Owen, L. C. Tennis and E. A. Dealand, of Wabashaw County, are hereby appointed Commissioners to locate and survey a State road from Tepeeotah to the point where the Wabashaw and Rochester Road crosses the Zumbro River.

Meeting

SEC. 91. The commissioners for the location and establishment of either of the above-mentioned roads may meet at such place as may be deemed most convenient, on any day subsequent to the passage of this act, and may proceed to lay out the respective roads at such time within twelve months from the passage hereof as may best suit the conveniences of the several boards of commissioners.

Appoint substitute

SEC. 92. If any of the commissioners named in this act shall refuse or neglect to act, after being notified of the time appointed for the commencement of the location of the road, then his associate commissioners may select and appoint some other person to act on said board, and the person or persons so elected or appointed shall perform the duties and be possessed of all the powers that he or they would have been possessed of were they particularly mentioned in this act.

Expenses

SEC. 93. The expenses of location, survey and establishment of said roads shall be paid by the counties through which said roads may pass, in proportion to the distance said roads may be located in such counties, except such road or roads as are otherwise provided for in this act: *Provided*, That no expense shall be allowed on any portion of the aforesaid roads which had been previously located.

Deposit plat

SEC. 94. The said commissioners shall cause to be deposited in the offices of the Register of Deeds of the organized counties through which said roads may pass a copy of the plat of said roads, exemplification of which shall be legal evidence of the opening and existence of said roads.

Commissioners to audit bills

SEC. 95. Each board of commissioners appointed by this act, or their substitute, shall make out and deposit or cause to be deposited with the clerk of the Board of County Commissioners of the several counties through which said road may pass a true and correct account of the expense incurred in the location, survey and establishment of said road through their respective counties; and all bills or accounts so presented or deposited shall be, and such County Commissioners shall audit such bills and accounts and allow all fair and proper charges and expenses for laying out such roads.

Take effect

SEC. 96. This act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March nineteenth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minn.
ST. PAUL, March 19, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XVI.

An Act to provide for the locating and establishing a State Road from Twin Lakes, in Carlton County, to Beaver Bay, in Lake County.

SECTION 1. Board of Commissioners.
2. Meeting of Board—Power to appoint substitute.
3. Expenses to be paid by the several counties.
4. Statement of expenses to be made in writing.
5. File plat of survey with profile of said road.
6. Duty of Registers of Deeds.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Vose Palmer, George W. Cowell, and

Edmund F. Ely, be, and the same are, hereby appointed Commissioners to locate, and survey, and establish a State Road from Twin Lakes, in Carlton county, via a good crossing point on St. Louis river at or near the St. Louis Falls, Fond du Lac, Onoota, Portland, Clifton, Montezuma, Buchanan, Burlington, to Beaver Bay, in Lake County. Commissioners

SEC. 2. The said Commissioners shall meet at a place most convenient, to be designated by Vose Palmer, on or before the 25th day of June, said time and place to be designated in writing, and due service to be made at least ten days before the time of meeting, on the other two Commissioners hereby appointed. At said meeting the said Commissioners shall determine the time when and the manner of locating said road; and in case either of the said Commissioners shall fail to attend, or refuse to serve as such Commissioner or Commissioners, the remaining Commissioner or Commissioners, as the case may be, shall fill the vacancy or vacancies, as the case may be, by appointing suitable person or persons, who shall have full power and authority to act as the Commissioners above named; and in case that neither of the above Commissioners shall meet as aforesaid, on or before the 25th day of June aforesaid, A. D. 1858, then it shall be lawful for the Judge of Probate of St. Louis county to appoint three good and discreet persons to fill the said Commission, and it is hereby made the duty of said Judge so to appoint, on being notified of the fact that the Commissioners hereby appointed have neglected or refuse to act. Meeting—appoint substitute

SEC. 3. That each county through which said road shall pass, shall pay the expenses of the location of the same as aforesaid, in proportion to the length of said road in each county. Expenses

SEC. 4. That the said Commissioners shall file a statement in writing, setting forth the names of persons employed, and the length each served, and the amount due to each from each of the counties through which said road may run, with the Register of Deeds of each county; said statement to be verified by one of said Commissioners. Written statement

SEC. 5. That said Commissioners shall file a plat of survey, with profile of said road, designating each angle, and course, and distance, together with a full and accurate copy of field notes of said road, with the Register of Deeds of each county through which said road may run. File plat

SEC. 6. It shall be the duty of the Registers of Deeds of [illegible] counties, as soon as the said profile and field notes shall have been filed with him in his office, to notify the Supervisors of roads of the several precincts through which said road may run, to proceed at once and open the same so that the same may be used as a cartway. Duty of Register

GEORGE BRADLEY,
Speaker *pro tem.* of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

Commissioners to audit bills

SEC. 95. Each board of commissioners appointed by this act, or their substitute, shall make out and deposit or cause to be deposited with the clerk of the Board of County Commissioners of the several counties through which said road may pass a true and correct account of the expense incurred in the location, survey and establishment of said road through their respective counties; and all bills or accounts so presented or deposited shall be, and such County Commissioners shall audit such bills and accounts and allow all fair and proper charges and expenses for laying out such roads.

Take effect

SEC. 96. This act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March nineteenth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minn.
ST. PAUL, March 19, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

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SECTION 1. That Vose Palmer, George W. Cowell, and

Edmund F. Ely, be, and the same are, hereby appointed Commissioners to locate, and survey, and establish a State Road from Twin Lakes, in Carlton county, via a good crossing point on St. Louis river at or near the St. Louis Falls, Fond du Lac, Onoota, Portland, Clifton, Montezuma, Buchanan, Burlington, to Beaver Bay, in Lake County. Commissioners

SEC. 2. The said Commissioners shall meet at a place most convenient, to be designated by Vose Palmer, on or before the 25th day of June, said time and place to be designated in writing, and due service to be made at least ten days before the time of meeting, on the other two Commissioners hereby appointed. At said meeting the said Commissioners shall determine the time when and the manner of locating said road; and in case either of the said Commissioners shall fail to attend, or refuse to serve as such Commissioner or Commissioners, the remaining Commissioner or Commissioners, as the case may be, shall fill the vacancy or vacancies, as the case may be, by appointing suitable person or persons, who shall have full power and authority to act as the Commissioners above named; and in case that neither of the above Commissioners shall meet as aforesaid, on or before the 25th day of June aforesaid, A. D. 1858, then it shall be lawful for the Judge of Probate of St. Louis county to appoint three good and discreet persons to fill the said Commission, and it is hereby made the duty of said Judge so to appoint, on being notified of the fact that the Commissioners hereby appointed have neglected or refuse to act. Meeting—appoint substitute

SEC. 3. That each county through which said road shall pass, shall pay the expenses of the location of the same as aforesaid, in proportion to the length of said road in each county. Expenses

SEC. 4. That the said Commissioners shall file a statement in writing, setting forth the names of persons employed, and the length each served, and the amount due to each from each of the counties through which said road may run, with the Register of Deeds of each county; said statement to be verified by one of said Commissioners. Written statement

SEC. 5. That said Commissioners shall file a plat of survey, with profile of said road, designating each angle, and course, and distance, together with a full and accurate copy of field notes of said road, with the Register of Deeds of each county through which said road may run. File plat

SEC. 6. It shall be the duty of the Registers of Deeds of said counties, as soon as the said profile and field notes shall have been filed with him in his office, to notify the Supervisors of roads of the several precincts through which said road may run, to proceed at once and open the same so that it may be used as a cartway. Duty of Register

GEORGE BRADLEY,
Speaker *pro tem.* of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-five, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 25, 1858.

I hereby certify the above to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XVII.

An Act to lay out and establish a State Road from Fort Ridgley, by way of Mankato, Albert Lea, and Shell Rock City, to the North Line of the State of Iowa, at Otranto.

SECTION 1. Board of Commissioners.
2. Meeting of Board—power to appoint substitute.
3. Per diem for Commissioners, &c.
4. Expenses paid by the several counties.
5. Statement of expenses to be made in writing.
6. File plat of said road with Register of Deeds.
7. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SECTION 1. That E. P. Skinner, Anthony D. McSweeny and Jacob Brust, be and the same are hereby appointed Commissioners to locate and mark out a State Road, commencing at Fort Ridgley and running from thence by way of Mankato, Albert Lea, and Shell Rock City, to the north line of the State of Iowa at Otranto.

Meeting—appoint substitute

SEC. 2. That said Commissioners shall meet at the office of the Register of Deeds of Brown County, on the first Monday of March, A. D. 1858, or as soon thereafter as practicable, and proceed to lay out and mark said road, and in case either of the above named Commissioners neglect or refuse to act as such Commissioner, the other Commissioners may supply the vacancy by the appointment of some suitable person who shall have the same authority as is by this Act conferred upon either of said Commissioners above named.

Per diem

SEC. 3. That said Commissioners shall be allowed the sum of three dollars per day for the time necessarily occupied in

the location of said road, and they are hereby empowered to employ one Surveyor at five dollars per day, and two Chainmen and one Axeman at two dollars per day.

Expenses

SEC. 4. That each county through which said road shall pass, shall pay the expenses incurred in the location of the same, in proportion to the length of said road in each county, respectively.

Written statement of expense

SEC. 5. That a statement of said expenses so incurred shall be made in writing by said Commissioners, which statement shall designate the amount of the same to be so paid by each of the said counties, a copy of which statement shall be furnished by said Commissioners to the Board of County Commissioners of each of the said Counties, and the orders of the said Road Commissioners upon the Treasurers of each of said Counties respectively for the amounts so designated shall be by said Treasurers paid out of the moneys in the Treasuries of the said Counties respectively.

File plat of road

SEC. 6. That it is hereby made the duty of said Commissioners to make out a full plat of said road, and file a copy of the same in the office of the Register of Deeds of the several Counties through which said road shall pass.

Take effect

SEC. 7. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro. tem.* of the H. of R.
RICHARD G. MURPHY,
President *pro. tem.* of the Senate.

APPROVED—February twenty-fifth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
SAINT PAUL, Feb. 25, 1858.

I hereby certify the foregoing to be a correct copy of the original bill on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XVIII.

An Act to locate a State Road from Monticello to Forest City.

SECTION 1. Board of Commissioners.
2. Meeting of Board—power to appoint substitute.
3. Make out and deposit draft of location.
4. Each county to pay expenses.
5. Per diem of Commissioners, &c.
6. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SECTION 1. That Philip Smith, Joseph Rackliff and John Wigle are hereby appointed Commissioners to mark out and locate a State Road, commencing at Monticello, thence by way of Geneva and Albion, direct to Forest City.

Meeting—fill vacancy

SEC. 2. The said Commissioners shall meet at Monticello on the eighth day of March, A. D. 1858, or as soon thereafter as practicable, and proceed to discharge the duties imposed on them by the provisions of this Act, provided however, that in the absence of any one of said Commissioners appointed by this Act, the others may have power to supply said vacancy by appointing another Commissioner, or may in case a majority of them meet, proceed to discharge their duties.

Draft of location

SEC. 3. That said Commissioners shall make out a fair and accurate draft of the location of said road, one copy whereof shall be deposited in the office of the Clerk of the Board of County Commissioners of Wright County, and one in the office of the Clerk of the Board of County Commissioners of Meeker County.

Expenses—how paid

SEC. 4. That each county, through which said road shall pass, shall pay the expenses incurred in the location of the same, in proportion to the length of said road in each county respectively.

Per diem

SEC. 5. That said Commissioners shall be allowed the sum of three dollars per day for the time necessarily occupied in the location of said road, and they are hereby empowered to employ one Surveyor at five dollars per day, two Chainmen and one Axeman at a sum not exceeding two dollars per day each.

Take effect

SEC. 6. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem* of the H. of R.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-five, one thousand eight hundred
d fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
ST. PAUL, February 25, 1858.

I hereby certify the foregoing to be a correct copy of the
iginal on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XIX.

An Act to lay out and establish a State Road from a point opposite Shakopee, to Dayton in Hennepin County.

SECTION 1. Board of Commissioners—duties.
2. Meeting of Commissioners.
3. Deposit map of said road.
4. Power to appoint substitute.
5. Expense to be paid by the several counties.
6. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That James Sharver, Jr. Franklin Cook and Commissioners
ritt Anderson be and are hereby appointed commission-
s to lay out, make and establish a State road,—commencing
a point oppsite the present city of Shakopee: running
nce to the Narrows of Minnetonka, at or near the resi-
nce of James Sharver, Jr: thence, on the most feasible route,
Dayton in Hennepin County.

SEC. 2. The said commissioners or a majority of them Meeting
all meet at the office of Franklin Cook, in Hennepin County,
the first Monday in April next, and proceed to survey and
blish said road according to the provisions of section
of this act.

SEC. 3. It is hereby made the duty of the above-named Deposit map
missioners to deposit a copy of the map of said road with
Register of Deeds of Hennepin County.

SEC. 4. If either of the above-named commissioners shall
nable to perform the duties assigned to him, it shall be the Substitute
of the other commissioners to appoint substitutes in
r stead.

Expenses

SEC. 5. The expenses incurred in the survey of said road shall be paid by the respective counties through which the road passes, in proportion to the distance within the respective counties.

Take effect

SEC. 6. This act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fourth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minn.
ST. PAUL, Feb. 24, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XX.

An Act for locating a State Road from Taylor's Falls in Chisago County to Hanover in Mille Lac County.

SECTION 1. Board of Commissioners.
2. Meeting—Location to be made within six months.
3. Report location—Deposit copy of survey.
4. Power to appoint substitute.
5. Expenses how paid.
6. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SECTION 1. That Levi W. Folsom and Patrick W. Davis, Chisago County, George F. Staples of Kanabec County, and Wm. Stevens of Mille Lac County, be and the same are hereby appointed commissioners to locate and mark a State road commencing at the north terminus of Medary-street in the town of Taylor's Falls, running from thence, on the most feasible and direct route, by Sunrise City, Cedar Lake and Bass Lake, to Brunswick in Kanabec County: from thence to Hanover in Mille Lac County.

SEC. 2. That said commissioners or any two of them shall meet at such time and place to commence such location as they may deem most advisible: *Provided, however,* That said location must be made within six months from and after the passage of this act. Meeting

SEC. 3. It is hereby made the duty of the above-named commissioners to report the location and deposit a copy of the map of the survey of said road with the Register of Deeds of each of the counties through which said road passes. Deposit copy

SEC. 4. If any of the commissioners named in this act shall neglect or refuse to act after being notified of the time appointed for the commencement of the road, then his associate commissioner or commissioners may select and appoint some other person to act on said board; and the person or persons so appointed shall perform all the duties, with all the powers he or they would have possessed if named in this act. Appoint substitute

SEC. 5. The expense of locating said road shall be paid by the counties through which said road may pass. Expenses

SEC. 6. This act shall take effect from and after its passage. Take effect

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seventh, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minn. }
February 27, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXI.

An Act to provide for the laying out of a State Road from the north shore of Lake Superior to Graham's Point on the Red River of the North.

SECTION 1. Board of Commissioners.
2. Meeting of Board.
3. Deposit copy of survey with Registers of Deeds.
4. Per diem.
5. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SECTION 1. That David Gilman, Alexander Kinkead, Geo. W. Sweet, John H. Liniman and John H. Schoonover are hereby appointed Commissioners to locate and mark a State road from some eligible point on the north shore of Lake Superior by the best route to Graham's Point on the Red River of the North.

Meeting

SEC. 2. That said commissioners, or a majority of them, meet at the town of Watab on the third Monday in May A. D. 1858, or as soon thereafter as practicable, and proceed to lay out and mark said road by the most direct and feasible route.

Deposit copy of survey

SEC. 3. It is hereby made the duty of the above-named commissioners to deposit a copy of the map of the survey of said road with the Register of Deeds of the counties through which said road passes.

Per diem

SEC. 4. The said commissioners shall receive three dollars per day for said service, to be paid by the several counties through which said road may pass.

Take effect

SEC. 5. This act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seventh, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minn.
February 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXII.

An Act to locate a State Road from Shakopee to Clearwater.

SECTION 1. Board of Commissioners.
2. Meeting of Board.
3. Filing of plat or map.
4. Right to appoint substitute.
5. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SECTION 1. That Geo. A. J. Overton of Scott County, Jackson Taylor of Wright County, and Wells D. Davis of Wright County, be and the same are hereby appointed Commissioners to survey, lay out and mark a State Road from Shakopee to Clearwater, via St. Valentine, Rockford, Buffalo and Monticello.

Meeting—expenses how paid

SEC. 2. The said Commissioners, or any three of them, or their substitutes duly authorized, shall meet at the hotel of J. Taylor, in Buffalo, Wright County, on the second Monday in July, or as soon thereafter as may be practicable, and proceed to survey, lay out and mark said road by the nearest and most feasible route. The expense of laying out, marking and surveying said road shall be paid by the counties through which said road may pass. The Commissioners shall decide the proportion and amount of such expense to be paid by the counties through which said road may pass, and notify the commissioners of each of said counties of the same.

Deposit survey

SEC. 3. The above-named Commissioners shall cause to be deposited in the offices of the Register of Deeds of the counties through which said road may pass, a copy of the survey of said road.

Appoint substitute

SEC. 4. In the event either of the said Commissioners above named shall be unable to perform the duties assigned him in this act he shall have the power to appoint a substitute, and it shall be his duty to notify the other Commissioners of such substitution: *Provided*, That if at the first meeting mentioned in the second section of this act either of said Commissioners shall fail to appear in person or by duly authorized substitute, the said appointment shall be declared cancelled, and the Commissioner or Commissioners, or their duly authorized substitute or substitutes there present, shall have the power to select suitable persons to fill such vacancy or vacancies.

Commissioners

SECTION 1. That David Gilman, Alexander Kinkead, Geo. W. Sweet, John H. Liniman and John H. Schoonover are hereby appointed Commissioners to locate and mark a State road from some eligible point on the north shore of Lake Superior by the best route to Graham's Point on the Red River of the North.

Meeting

SEC. 2. That said commissioners, or a majority of them, meet at the town of Watab on the third Monday in May A. D. 1858, or as soon thereafter as practicable, and proceed to lay out and mark said road by the most direct and feasible route.

Deposit copy of survey

SEC. 3. It is hereby made the duty of the above-named commissioners to deposit a copy of the map of the survey of said road with the Register of Deeds of the counties through which said road passes.

Per diem

SEC. 4. The said commissioners shall receive three dollars per day for said service, to be paid by the several counties through which said road may pass.

Take effect

SEC. 5. This act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seventh, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minn.
February 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXII.

An Act to locate a State Road from Shakopee to Clearwater.

SECTION 1. Board of Commissioners.
2. Meeting of Board.
3. Filing of plat or map.
4. Right to appoint substitute.
5. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SECTION 1. That Geo. A. J. Overton of Scott County, Jackson Taylor of Wright County, and Wells D. Davis of Wright County, be and the same are hereby appointed Commissioners to survey, lay out and mark a State Road from Shakopee to Clearwater, via St. Valentine, Rockford, Buffalo and Monticello.

Meeting—expenses how paid

SEC. 2. The said Commissioners, or any three of them, or their substitutes duly authorized, shall meet at the hotel of J. Taylor, in Buffalo, Wright County, on the second Monday in July, or as soon thereafter as may be practicable, and proceed to survey, lay out and mark said road by the nearest and most feasible route. The expense of laying out, marking and surveying said road shall be paid by the counties through which said road may pass. The Commissioners shall decide the proportion and amount of such expense to be paid by the counties through which said road may pass, and notify the commissioners of each of said counties of the same.

Deposit survey

SEC. 3. The above-named Commissioners shall cause to be deposited in the offices of the Register of Deeds of the counties through which said road may pass, a copy of the survey of said road.

Appoint substitute

SEC. 4. In the event either of the said Commissioners above named shall be unable to perform the duties assigned him in this act he shall have the power to appoint a substitute, and it shall be his duty to notify the other Commissioners of such substitution: *Provided*, That if at the first meeting mentioned in the second section of this act either of said Commissioners shall fail to appear in person or by duly authorized substitute, the said appointment shall be declared cancelled, and the Commissioner or Commissioners, or their duly authorized substitute or substitutes there present, shall have the power to select suitable persons to fill such vacancy or vacancies.

Employ Surveyor

SEC. 3. The said Commissioners shall have power, and by this act are authorized to employ a competent Surveyor, who shall be entitled to receive for his services the sum of three dollars per day, and two chainmen, who shall receive two dollars per day each, during the time actually employed in the survey of said Road.

Expense

SEC. 4. The expenses of survey and location of said Road shall be paid by the counties through which it passes, in proportion to the distance said Road passes through said counties.

Appoint substitute

SEC. 5. A majority of said Commissioners shall have power to appoint a substitute in the event of the absence or refusal to act of either of said Commissioners.

Per diem

SEC. 6. Said Commissioners shall be entitled to receive each the sum of three dollars per day for their services, while actually employed in the location of said Road.

Take effect

SEC. 7. This act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem*, of the Senate.

APPROVED—Feb. twenty-fourth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
SAINT PAUL, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXIX.

An Act to provide for the construction of a State Road from Faribault to Wilton.

SECTION 1. Board of Commissioners.
2. Meeting of Board. Appoint substitute.
3. Expenses to be paid by the several counties.
4. File plat of said road.
5. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

pointed by this act, the others may have power to supply the vacancy, by appointing another Commissioner, or may, in case a majority of them meet, proceed to discharge their duties.

Draft

SEC. 3. That said Commissioners shall make out a fair and accurate draft of the location of said road, one copy whereof shall be deposited in the office of the Clerk of the Board of County Commissioners of the respective counties through which said road may pass.

Expenses—how paid

SEC. 4. That each county through which said road shall pass, shall pay the expenses incurred in the location of the same, in proportion to the length of said road in each county respectively.

Per diem

SEC. 5. That said Commissioners shall be allowed the sum of three dollars per day for the time necessarily occupied in the location of said road; and they are hereby empowered to employ one surveyor, at three dollars per day, two chainmen and one axeman at a sum not exceeding one dollar and fifty cents per day.

Take effect

SEC. 6. This act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—January twenty-nine, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, January 29, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXIV.

An Act to provide for location of a State Road from Brownsville, in Houston County, to Shell Rock City, in Freeborn County.

SECTION 1. Board of Commissioners—Duties.
2. Meeting of Commissioners—appoint substitutes.
3. Make draft of location of Road.
4. Expenses to be paid by the several counties—per diem of Commissioners.
5. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SEC. 1. That Embrick Knudson, A. K. Bartlett and David Caswell, are hereby appointed Commissioners to locate and mark out a State Road from Brownsville, in Houston county, State of Minnesota, by way of Caledonia, Spring Grove, Embrick Knudson's, Bellville, Elliota and LeRoy, thence across the Big Cedar River, on or near the line between sections twenty-one and twenty-eight, Township one hundred and one, range eighteen, to Shell Rock City, in Freeborn county.

Meeting—fill vacancy

SEC. 2. That said Commissioners shall meet at Brownsville, on or before the first day of June, 1858, and proceed to discharge the duties imposed upon them by the provisions of this act: *Provided, however*, That in the absence of any one of said Commissioners appointed by this act, the others may have power to supply said vacancy by appointing another Commissioner, or may, in case a majority of them meet, proceed in discharging their duties.

Draft of road

SEC. 3. Said Commissioners shall make out a fair and accurate draft of the location of said road, one copy whereof shall be deposited in the office of the Clerk of the Board of County Commissioners of the respective counties through which said road may pass.

Expenses how paid—Per diem

SEC. 4. That the necessary expenses incurred for laying out said road shall be paid by the counties through which said road may pass. Each county tax for the same shall be set forth up on the certificate of said Commissioners, including the costs of survey: *Provided, however*, That said Commissioners shall be allowed the sum of three dollars per day, for every day necessarily employed in performing the duties assigned by this act, and said Commissioners are hereby authorized to emply one surveyor at three dollars per day, two chainmen, and one axeman, at a sum not exceeding one dollar and fifty cents per day.

SEC. 5. This act shall take effect from and after its passage. Take effect

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—January twenty-nine, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, January 29, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXV.

An Act to lay out and mark a State Road from St. Paul via Lake Como to Superior.

SECTION. 1. Board of Commissioners.
2. Location of Road.
3. Meeting of Board. Expenses how paid.
4. File plat of said Road with Register of Deeds.
5. Power to appoint substitutes.
6. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

SEC. 1. That George Scotten, John P. Owens and A. A. Parker, be, and the same are hereby appointed Commissioners, to locate a State Road from St. Paul via Lake Como to Superior. Commissioners

SEC. 2. Said road shall commence at the north terminus of Wabashaw street in St. Paul; thence in the same direction of Wabashaw street, to the Point Douglas and Fort Ripley road; thence along said road to a point 750 feet east of of the centre of section 36, town 29, north of range 23, west; and running thence in a north-west direction, to a point 33 feet east of the south-west corner of section 25, in said township and range aforesaid; thence north-westerly, running east of Lake Como, to a point 378 feet west of the ¼ post on the north side of section 23; thence by the most feasible route to intersect the St. Paul and Superior road at some point in or near section 17, in township 31, north of range 22, west of the fourth principal meredian. Location

Meeting—expenses—how paid

SEC. 3. Said Commissioners shall meet at St. Paul on the first Monday of May, 1858, or as soon thereafter as practicable, and proceed to lay out and mark said road. The expense of laying out the same shall be paid by the different counties through which said road may pass. The Commissioners shall decide the amount each county shall pay of such expenses, and notify the Commissioners of each county of the same. *Provided*, said Commissioners shall adopt as a point, [part] of said road, the road laid out, graded and completed by Henry McKenty, Esq., during the summer of 1857, leading from St. Paul to Lake Como. And *provided farther*, That said Commissioners shall not receive any pay for laying out and making any part of said road, embraced or included in any former surveys for Territorial roads. And *Provided*, That no expense created in locating said road, shall be paid by the county of Chisago.

Duties

SEC. 4. It is hereby the duty of said Commissioners to make out a full plat of said road and file a copy of the same in the office of the Register of Deeds of the different counties through which said road may pass.

Appoint substitute

SEC 5. In case of the inability or neglect on the part of either of the above named Commissioners to act in the location of said road, he shall have the power to appoint a substitute, and it shall be his duty to notify the other Commissioners. *Provided*, That if at the first meeting specified above, either of the Commissioners shall fail to appear in person, then it shall be the duty of the other Commissioner or Commissioners to appoint suitable persons to fill such vacancy or vacancies.

Take effect

SEC. 6. This act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February 8th, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXVI.

An Act to provide for the construction of the Cannon Falls and St. Paul Road.

SECTION 1. Board of Commissioners.
2. Meeting of Board. Power to appoint substitutes.
3. Expenses—how paid.
4. Statement of expenses to be made in writing.
5. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That William G. Le Duc, James C. Dow, and William H. Walling, be, and the same are hereby appointed Commissioners to locate and open out a Road, commencing in the county of Goodhue, on the Cannon river, and opposite the village of Cannon Falls, in the county of Goodhue; and from thence by the nearest practicable route, through Eddy street, in the city of Hastings, in the county of Dakota, to the St. Paul and Point Douglas Territorial road, in Washington county. Commissioners

SEC. 2. That said Commissioners shall meet on the tenth day of March, A. D. 1858, or as soon thereafter as convenient, at the office of the County Surveyor of Dakota county, in the said city of Hastings, and at said meeting shall appoint the time when the location of said road shall be commenced, and may adjourn from time to time, as may in their opinion be requisite. And in case either of the Commissioners above named neglect or refuse to act as such Commissioner, the other Commissioners may supply the vacancy by the appointment of some suitable person, who shall have the same authority as is by this act conferred upon either of said Commissioners above named. Meeting—substitutes

SEC. 3. That each county through which the said road shall pass, shall pay the expenses incurred in the location and construction of the same, as aforesaid, in proportion to the length of said road in each county respectively. Expenses

SEC. 4. That a statement of said expenses so incurred shall be made in writing by the said Commissioners, which statement shall designate the amount of the same to be so paid by each of said counties, a copy of which statement shall be furnished by said Commissioners to the Board of County Commissioners of each of said counties, and the orders of said Road Commissioners, upon the Treasurers of each of said counties respectively, for the amounts so designated, shall be by said Treasurers paid out of the moneys in Written statement

the Treasuries of said counties respectively, and that a plan of said road be placed by the Commissioners in the Recorders' offices of the several counties in which it is located, within sixty days after its location.

Take effect

SEC. 5. This act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

Approved—January twenty, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, January 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXVII.

An Act to lay out and establish a State Road from Shakopee in Scott County to Kasota in Le Sueur County.

SECTION 1. Board of Commissioners—duties.
2. Meeting of Board.
3. Duty of Surveyor to deposit copy of map.
4. Expenses to be paid by the several counties.
5. Surveyor's per diem.
6. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SECTION 1. That Henry Dewitt, Zenas Wise and J. Londonburger are hereby appointed Commissioners to lay out and establish a State Road,—commencing at Shakopee: running thence to Holena: thence, by the most feasible route, by the way of Lexington, to Kasota.

Meeting

SEC. 2. The said Commissioners, or a majority of them, shall meet at Kasota, on the first Tuesday in April next, and proceed to survey and establish said road according to the provisions of the first section of this act.

Filing maps &c

SEC. 3. It is hereby made the duty of the Surveyor to deposit a copy of the map of the survey of said road with the Register of Deeds in Le Sueur and Scott Counties.

SEC. 4. The expense incurred by the survey and establishing said road shall be paid by the said Counties of Scott and Le Sueur. Expenses

SEC. 5. The Surveyor shall receive for each day's service in surveying said road four dollars: each chainman and axeman two dollars. Per diem

SEC. 6. This act shall take effect from and after its passage. Take effect

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fourth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minn. }
Feb. 24, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXVIII.

An Act to Provide for the Construction of a State Road from Blue Earth City to Shell Rock City.

SECTION 1. Board of Commissioners.
2. Meeting of Board.
3. Power to employ Surveyor. Per diem.
4. Expenses to be paid by the several counties.
5. Power to appoint substitute.
6. Per diem.
7. Take effect.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That William W. Knapp, Theophilus Brown, and A. M. Burnham, be and are hereby appointed Commissioners to survey and locate a State Road from Blue Earth City, in Faribault county, via Walnut Lake, (so called,) Albert Lea, to Shell Rock City, in Freeborn county. Commissioners

SEC. 2 Said Commissioners shall meet at the office of J. A. Keister, Esq., in Blue Earth City, on the first Monday of May, A. D. 1858, or as soon thereafter as is practicable, and proceed to lay out and mark said Road by the most feasible route. Meeting

CHAPTER XXXV.

An Act authorizing the County Commissioners of Chisago County to issue Bonds for erection of County Buildings.

SECTION 1. County Commissioners authorized to issue bonds for the erection of County Buildings.
2. Tax to meet the Interest and Principal authorized to be raised.
3. Location of County Buildings on certain lots.
4. Authorize County Commissioners to procure the erection of county buildings on the site designated.
5. To take effect on its passage.

Be it enacted by the Legislature of the State of Minnesota:

Annual tax to be levied

SECTION 1. That the County Commissioners of the county of Chisago are hereby authorized and empowered to issue Bonds to an amount not exceeding ten thousand dollars, bearing interest not to exceed ten per cent. per annum, and for a time not less than two nor more than ten years, to raise money or material to be expended in the erection of a Court-House, Jail, and such other County Buildings as the County Commissioners may deem proper for the use of the county, and for no other purpose. Said bonds shall be signed by the Commissioners authorizing the same, and attested by the Clerk of said board, and under the seal of said county, which bonds so issued shall be and continue a lien upon the property in said county until the same are fully paid and satisfied.

Tax property to pay interest on bonds

SEC. 2. For the purpose of paying the principal and interest to become due on said bonds as the same may become due, the said board of County Commissioners are hereby authorized and required to raise by tax upon the taxable property in said county, in the usual manner of assessing and collecting taxes for county purposes, a sufficient sum of money, and in such amounts, and at such times, as may be necessary to meet the sum of money to become due on said bonds as fast as the same may become due, and as soon as said bonds shall be paid, the same shall be cancelled by the said board.

County buildings where to erected

SEC. 3. The said county buildings designated in section one, shall be erected on any part of the following described property now owned by the county of Chisago, as the Board of County Commissioners may designate, to wit: Lots number seven (7,) eight (8,) nine (9,) ten, (10,) eleven (11,) twelve (12,) thirteen (13,) fourteen (14,) and fifteen (15,) in block numbered thirty-nine (39,) in the town of Taylor's Falls, as the same are known and designated in the survey and plat of said town, recorded in the office of the Register of Deeds of said county.

SEC. 4. The County Commissioners shall at the earliest practicable period, cause the necessary county buildings for the use of said county, to be erected on said site as described in section three, in a manner, according to such plans, and on such terms, as they shall deem advisable, for the interest of said county. County buildings to be erected

SEC. 5. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.*, of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March three, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXXVI.

An Act authorizing the Register of Deeds of Isanti County to Copy from Records of Ramsey County.

SECTION 1. Authorizes Register of Deeds of Isanti County to copy Records from Ramsey County.
2. Fees and Mileage of Register.
3. Fees and Mileage to be paid by Isanti County.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Register of Deeds of the county of Isanti is hereby empowered and authorized to copy from the Register of Deeds' office in the county of Ramsey, all Warrantee or Quitclaim Deeds, Mortgages, Bonds, Powers of Attorney, Bills of Sale, or any instruments of agreement which have been recorded in the county of Ramsey, that should have been recorded in the county of Isanti, or that belongs, pertains or relates to property, real or personal, which is within the limits of the county of Isanti. Records to be copied

SEC. 2. The Register of Deeds shall receive for such services the same fees as is allowed to Clerks of Election on Fees and mileage

making election returns as traveling fees, and the same for copying the instruments named in section one, as is allowed under the law for recording the same.

Payment thereof

SEC. 3. The costs of such copying and traveling fees shall be paid out of the Treasury of the county of Isanti; the County Commissioners first approving of the same, shall so order it paid.

SEC. 4. This Act to take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seven, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXXVII.

An Act to amend an Act of the Incorporation of the Nininger, Saint Peter and Western Railroad Company.

SECTION 1. Amendment to Section 2, authorize Books of Subscription to the Stock to be opened.
2. Amendment to Section 5, authorizing a survey and construction of road, with branch to Glencoe.

Be it enacted by the Legislature of the State of Minnesota:

Books for stock subscription may be opened—public notice

SECTION. 1. That Section two (2) of "An Act to Incorporate the Nininger, St. Peter and Western Railroad Company," approved March 4, 1857, be and the same is hereby amended so as to read as follows, viz: That the corporators specifically named in the preceding section, or a majority of them, shall on or before the first Monday of September, 1858, meet and open such books as may be necessary, at some proper or convenient place in the city of St. Paul, or at such

other point or points in the State of Minnesota as they agree upon, for subscription to so much of the capital stock of the said company as they may deem proper, first having given ten days notice thereof in one or more public newspapers printed in the city of St. Paul aforesaid, of the time and place of such meeting, and of the opening of the books of the said company for subscription to the stock thereof, and after a sum of not less than ten thousand dollars of the capital stock of said company shall have been subscribed, and an instalment of not less than five per cent. paid upon each share thereof, then the subscribers shall become corporators of said company, and shall within thirty days thereafter, proceed to elect a Board of Directors from the corporators and stockholders of the said company, consisting of not less than six, nor more than twelve, and the Directors so elected shall, within ten days thereafter proceed to organize by the election of a President and such other officers as they may see fit to appoint, and until such organization, the corporate powers of said company shall remain in and be exercised by the corporators heretofore specified.

Election of a Board of Directors

SEC. 2. That all of Section 5 of the said Act, be and the same is hereby amended so as to read as follows: The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate, as a Railroad, with one or more tracks or lines of rails, from a point on the Mississippi River, within the city of Nininger, to the city of St. Peter, on the Minnesota River, by way of the town of Louisville, on the said Minnesota River, together with a branch road from the said town of Louisville, on the Minnesota River, with one or more tracks or lines of rails, to the town of Glencoe, the County Seat of McLeod county, upon as direct a line as practicable, which shall be determined by the Board of Directors with reference to the best route therefor.

Line of Road

Branch to Glencoe

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March third, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXXVIII.

An Act to amend Act entitled an Act to Incorporate the Town of La Crescent. Approved January 27, 1857.

SECTION 1. Amendment to Charter, concerning votes for specific improvements.
2. Assessors to be appointed by Council.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to section 13 of charter

SECTION 1. That Section thirteen (13) be amended by the following addition: "And after a vote to levy an additional tax for a specific improvement in said town has been taken and ascertained to be in favor of such additional tax, no additional vote shall be necessary. The said Council is then authorized and required to levy an annual tax sufficient to pay the annual payments of any money borrowed by said Council to make or complete such specific improvements.

Assessors to be appointed by council

SEC. 2. Hereafter the Town Council shall appoint the Assessor or Assessors of the taxable property for town purposes, within said corporation, and all that may hereafter be added; and after the assessment is made, and returned to the Recorder or President of said Council, the Town Council, in levying a tax, shall base the same on such assessment, subject to such corrections as is provided for in the corrections of county assessments, hereby contravening the provisions of Sections 13 and 14 inconsistent with the above.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February two, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXXIX.

An Act to attach certain counties to others for Judicial purposes.

SECTION 1. Mille Lac county attached to Morrison county, and Cass and Isanti counties attached to Crow Wing county for Judicial purposes.
2. Legalizing Records of Registers of Deeds in counties named.

Be it enacted by the Legislature of the State of Minnesota:

SEC. 1. The county of Mille Lac is hereby attached to the county of Morrison, for judicial purposes. The counties of Cass and Itasca are hereby attached to the county of Crow Wing for judicial purposes. **Counties attached for Judicial purposes**

SEC. 2. That all the recording heretofore done in the Office of the Register of Deeds of Morrison county, of lands or other property of Mille Lac county, and all the recording heretofore done in the office of the Register of Deeds of Crow Wing county, of lands or other property in the counties of Cass and Itasca, not conflictng with any other records, may be legal, is hereby legalized. **Legalising Records**

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighteenth, one thousand eight hundred and fifty eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 18, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XL.

An Act for the preservation of Fish in certain Lakes.

SECTION 1. Drawing of Seins and setting of Gill Nets in certain Lakes, and catching Trout Fish in certain counties prohibited in months of November, December, January, February and March.
2. Penalty for violation of this Act.
3. Clerk and Trustees of School Districts, to enforce provisions of this Act.
4. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Taking of fish prohibited in certain lakes

Trout fishing prohibited in certain counties

Time of prohibition

SECTION 1. The drawing of seins and setting of gill-nets in White Bear Lake, in the Counties of Ramsey and Washington, Long Lake, in the County of Manomin, Bald Eagle and Pleasant Lakes, in the County of Ramsey, Lake Winklemann, in Sibley County, and all lakes and strands in Hennepin, Washington and Fillmore Counties; Lake Elysium, and the Cannon River, and all Lakes drained by said river lying in Le Sueur County, in the State of Minnesota; and the catching or taking of Trout from any stream or river in Winona, Wabashaw, Washington, Fillmore, and Dakota Counties, during the months of November, December, January, February and March of each year, are hereby prohibited.

Penalty

SEC. 2. Any person or persons on conviction before any Court having competent jurisdiction, or having violated this Act, shall pay a fine of not less than twenty-five, nor more than fifty dollars; one-half to go to the informer and remainder to go to the support of Common Schools in the District where the trespass shall have been committed.

Enforcing the law

SEC. 3. It is hereby made the special duty of the Clerk and Trustees of the several School Districts, where said lakes are situated, to see that the provisions of this Act are strictly enforced.

SEC. 4. This Act shall take effect and shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March third, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }
March 3, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLI.

An Act to extend the time for the completion of the Mississippi and Rum River Boom.

SECTION 1. Extension of time for completion of Boom.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the time for the completion of the Mississippi and Rum River Boom be and is hereby extended until the 1st day of April, 1860. Extension of time

SEC. 2. This Act shall take effect on and after its passage. Take effect

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLII.

An Act to amend an Act, entitled An Act to incorporate certain Towns in this Territory and provide for Town Government within the same.

SECTION 1. Incorporation Act of Town of Fon du Lac amended.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That section forty-six of chapter eighteen of

Appoint commissioners

SEC. 2. The Governor shall appoint three suitable persons, who shall constitute a Board of County Commissioners for said county, who shall hold their offices until the next general election, or until their successors are duly elected and qualified; and the said Board of County Commissioners shall have power to appoint all other county officers in and for said county; and said Commissioners shall have full power and authority to do and perform all acts and duties devolving upon the Board of County Commissioners of any other county in this State.

Take effect

SEC. 3. This act shall take effect and be in force on and after its adoption by the qualified voters of the original counties so affected.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXXIV.

An Act to establish the Boundaries of certain Counties and provide for their Organization.

SECTION 1. Boundaries of Otter Tail.
2. Boundaries of Breckenridge.
3. Boundaries of Becker.
4. Governor to appoint Commissioners.

Be it enacted by the Legislature of the State of Minnesota:

Boundary

SECTION 1. That so much territory as is embraced in the following described limits, be, and the same is hereby created into the county of "Otter Tail:" Commencing at the south-west corner of township No. 131, range 36 west; thence

north on the range line between ranges 35 and 36, thirty-six miles, to the north-east corner of township 137, range 36; thence west to the Pelican River; thence down Pelican River through Pelican Lake, and Lizzie and Prairie lakes, to the mouth of said river; thence south to the township line between townships 130 and 131; thence east to the place of beginning. The county seat is here temporarily located at "Otter Tail City."

Boundary of Breckenridge

SEC. 2. That so much territory as is embraced in the following described limits, be, and the same is hereby created into the county of "Breckenridge:" Beginning at the north-west corner of Toombs county; thence down the Red River of the North, to the mouth of Buffalo River; thence up the channel of said river to the range line between ranges 42 and 43; thence south to Pelican Lake; thence down Pelican River to the northern boundary of Toombs county; thence west to the place of beginning. The county seat of said county is hereby temporarily located at Shayenne City.

Boundary of Becker

SEC. 3. That so much territory as is embraced in the followlowing described limits, be, and the same is hereby created into the county of "Becker:" Commencing at the north-east corner Otter Tail county, thence north on range line between ranges 35 and 36, to the north-east corner of township 142, range 36; thence west, on township line to range line between ranges 42 and 43; thence south, on range line to township line between townships 137 and 138; thence east to the place of beginning. The county seat of said county of "Becker," is hereby temporarily located at "Detroit."

Commissioners

SEC. 4. The Governor of the State shall appoint three suitable persons a board of County Commissioners for each of the counties named in this Act, who shall hold their respective offices until the next general election, and until their successors shall be duly elected and qualified; and the Commissioners to be appointed as aforesaid, shall have power to appoint all other county officers for their respective counties, who shall have full power and authority to do and perform all acts which the Commissioners of other organized counties can do and perform.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President of the Senate.

APPROVED—March eighteen, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
SAINT PAUL, March 18, 1858.

I hereby certify the foregoing to be a correct copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXXV.

An Act authorizing the County Commissioners of Chisago County to issue Bonds for erection of County Buildings.

SECTION 1. County Commissioners authorized to issue bonds for the erection of County Buildings.
2. Tax to meet the Interest and Principal authorized to be raised.
3. Location of County Buildings on certain lots.
4. Authorize County Commissioners to procure the erection of county buildings on the site designated.
5. To take effect on its passage.

Be it enacted by the Legislature of the State of Minnesota:

Annual tax to be levied

SECTION 1. That the County Commissioners of the county of Chisago are hereby authorized and empowered to issue Bonds to an amount not exceeding ten thousand dollars, bearing interest not to exceed ten per cent. per annum, and for a time not less than two nor more than ten years, to raise money or material to be expended in the erection of a Court-House, Jail, and such other County Buildings as the County Commissioners may deem proper for the use of the county, and for no other purpose. Said bonds shall be signed by the Commissioners authorizing the same, and attested by the Clerk of said board, and under the seal of said county, which bonds so issued shall be and continue a lien upon the property in said county until the same are fully paid and satisfied.

Tax property to pay interest on bonds

SEC. 2. For the purpose of paying the principal and interest to become due on said bonds as the same may become due, the said board of County Commissioners are hereby authorized and required to raise by tax upon the taxable property in said county, in the usual manner of assessing and collecting taxes for county purposes, a sufficient sum of money, and in such amounts, and at such times, as may be necessary to meet the sum of money to become due on said bonds as fast as the same may become due, and as soon as said bonds shall be paid, the same shall be cancelled by the said board.

County buildings where to erected

SEC. 3. The said county buildings designated in section one, shall be erected on any part of the following described property now owned by the county of Chisago, as the Board of County Commissioners may designate, to wit: Lots number seven (7,) eight (8,) nine (9,) ten, (10,) eleven (11,) twelve (12,) thirteen (13,) fourteen (14,) and fifteen (15,) in block numbered thirty-nine (39,) in the town of Taylor's Falls, as the same are known and designated in the survey and plat of said town, recorded in the office of the Register of Deeds of said county.

SEC. 4. The County Commissioners shall at the earliest practicable period, cause the necessary county buildings for the use of said county, to be erected on said site as described in section three, in such a manner, according to such plans, and on such terms, as they shall deem advisable, for the interest of said county. County buildings to be erected

SEC. 5. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.*, of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March three, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXXVI.

An Act authorizing the Register of Deeds of Isanti County to Copy from Records of Ramsey County.

SECTION 1. Authorizes Register of Deeds of Isanti County to copy Records from Ramsey County.
2. Fees and Mileage of Register.
3. Fees and Mileage to be paid by Isanti County.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Register of Deeds of the county of Isanti is hereby empowered and authorized to copy from the Register of Deeds' office in the county of Ramsey, all Warrantee or Quitclaim Deeds, Mortgages, Bonds, Powers of Attorney, Bills of Sale, or any instruments of agreement which have been recorded in the county of Ramsey, that should have been recorded in the county of Isanti, or that belongs, pertains or relates to property, real or personal, which is within the limits of the county of Isanti. Records to be copied

SEC. 2. The Register of Deeds shall receive for such services the same fees as is allowed to Clerks of Election on Fees and mileage

making election returns as traveling fees, and the same for copying the instruments named in section one, as is allowed under the law for recording the same.

Payment thereof

SEC. 3. The costs of such copying and traveling fees shall be paid out of the Treasury of the county of Isanti; the County Commissioners first approving of the same, shall so order it paid.

SEC. 4. This Act to take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seven, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXXVII.

An Act to amend an Act of the Incorporation of the Nininger, Saint Peter and Western Railroad Company.

SECTION 1. Amendment to Section 2, authorize Books of Subscription to the Stock to be opened.
2. Amendment to Section 5, authorizing a survey and construction of road, with branch to Glencoe.

Be it enacted by the Legislature of the State of Minnesota:

Books for stock subscription may be opened—public notice

SECTION. 1. That Section two (2) of "An Act to Incorporate the Nininger, St. Peter and Western Railroad Company," approved March 4, 1857, be and the same is hereby amended so as to read as follows, viz: That the corporators specifically named in the preceding section, or a majority of them, shall on or before the first Monday of September, 1858, meet and open such books as may be necessary, at some proper or convenient place in the city of St. Paul, or at such

other point or points in the State of Minnesota as they agree upon, for subscription to so much of the capital stock of the said company as they may deem proper, first having given ten days notice thereof in one or more public newspapers printed in the city of St. Paul aforesaid, of the time and place of such meeting, and of the opening of the books of the said company for subscription to the stock thereof, and after a sum of not less than ten thousand dollars of the capital stock of said company shall have been subscribed, and an instalment of not less than five per cent. paid upon each share thereof, then the subscribers shall become corporators of said company, and shall within thirty days thereafter, proceed to elect a Board of Directors from the corporators and stockholders of the said company, consisting of not less than six, nor more than twelve, and the Directors so elected shall, within ten days thereafter proceed to organize by the election of a President and such other officers as they may see fit to appoint, and until such organization, the corporate powers of said company shall remain in and be exercised by the corporators heretofore specified.

Election of a Board of Directors

SEC. 2. That all of Section 5 of the said Act, be and the same is hereby amended so as to read as follows: The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate, as a Railroad, with one or more tracks or lines of rails, from a point on the Mississippi River, within the city of Nininger, to the city of St. Peter, on the Minnesota River, by way of the town of Louisville, on the said Minnesota River, together with a branch road from the said town of Louisville, on the Minnesota River, with one or more tracks or lines of rails, to the town of Glencoe, the County Seat of McLeod county, upon as direct a line as practicable, which shall be determined by the Board of Directors with reference to the best route therefor.

Line of Road

Branch to Glencoe

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March third, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXXVIII.

An Act to amend Act entitled an Act to Incorporate the Town of La Crescent. Approved January 27, 1857.

SECTION 1. Amendment to Charter, concerning votes for specific improvements.
2. Assessors to be appointed by Council.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to section 13 of charter

SECTION 1. That Section thirteen (13) be amended by the following addition: "And after a vote to levy an additional tax for a specific improvement in said town has been taken and ascertained to be in favor of such additional tax, no additional vote shall be necessary. The said Council is then authorized and required to levy an annual tax sufficient to pay the annual payments of any money borrowed by said Council to make or complete such specific improvements.

Assessors to be appointed by council

SEC. 2. Hereafter the Town Council shall appoint the Assessor or Assessors of the taxable property for town purposes, within said corporation, and all that may hereafter be added; and after the assessment is made, and returned to the Recorder or President of said Council, the Town Council, in levying a tax, shall base the same on such assessment, subject to such corrections as is provided for in the corrections of county assessments, hereby contravening the provisions of Sections 13 and 14 inconsistent with the above.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February two, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XXXIX.

An Act to attach certain counties to others for Judicial purposes.

SECTION 1. Mille Lac county attached to Morrison county, and Cass and Isanti counties attached to Crow Wing county for Judicial purposes.
2. Legalizing Records of Registers of Deeds in counties named.

Be it enacted by the Legislature of the State of Minnesota:

SEC. 1. The county of Mille Lac is hereby attached to the county of Morrison, for judicial purposes. The counties of Cass and Itasca are hereby attached to the county of Crow Wing for judicial purposes. Counties attached for Judicial purposes

SEC. 2. That all the recording heretofore done in the Office of the Register of Deeds of Morrison county, of lands or other property of Mille Lac county, and all the recording heretofore done in the office of the Register of Deeds of Crow Wing county, of lands or other property in the counties of Cass and Itasca, not conflictng with any other records, may be legal, is hereby legalized. Legalising Records

SEC. 3. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 4. This act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighteenth, one thousand eight hundred and fifty eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 18, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XL.

An Act for the preservation of Fish in certain Lakes.

SECTION 1. Drawing of Seins and setting of Gill Nets in certain Lakes, and catching Trout Fish in certain counties prohibited in months of November, December, January, February and March.
2. Penalty for violation of this Act.
3. Clerk and Trustees of School Districts, to enforce provisions of this Act.
4. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Taking of fish prohibited in certain lakes

Trout fishing prohibited in certain counties

Time of prohibition

SECTION 1. The drawing of seins and setting of gill-nets in White Bear Lake, in the Counties of Ramsey and Washington, Long Lake, in the County of Manomin, Bald Eagle and Pleasant Lakes, in the County of Ramsey, Lake Winklemann, in Sibley County, and all lakes and strands in Hennepin, Washington and Fillmore Counties; Lake Elysium, and the Cannon River, and all Lakes drained by said river lying in Le Sueur County, in the State of Minnesota; and the catching or taking of Trout from any stream or river in Winona, Wabashaw, Washington, Fillmore, and Dakota Counties, during the months of November, December, January, February and March of each year, are hereby prohibited.

Penalty

SEC. 2. Any person or persons on conviction before any Court having competent jurisdiction, or having violated this Act, shall pay a fine of not less than twenty-five, nor more than fifty dollars; one-half to go to the informer and remainder to go to the support of Common Schools in the District where the trespass shall have been committed.

Enforcing the law

SEC. 3. It is hereby made the special duty of the Clerk and Trustees of the several School Districts, where said lakes are situated, to see that the provisions of this Act are strictly enforced.

SEC. 4. This Act shall take effect and shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March third, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLI.

An Act to extend the time for the completion of the Mississippi and Rum River Boom.

SECTION 1. Extension of time for completion of Boom.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the time for the completion of the Mississippi and Rum River Boom be and is hereby extended until the 1st day of April, 1860. Extension of time

SEC. 2. This Act shall take effect on and after its passage. Take effect

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLII.

An Act to amend an Act, entitled An Act to incorporate certain Towns in this Territory and provide for Town Government within the same.

SECTION 1. Incorporation Act of Town of Fon du Lac amended.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That section forty-six of chapter eighteen of

said Act, is hereby amended so as to read as follows: That so much land as is contained within the town plot of Fon Du Lac, below the Falls of St. Louis, in the county of St. Louis, as surveyed and plotted by Andrew J. Foster, be, and the same is hereby created, a town corporate by the name and style of Fon Du Lac, and shall have and enjoy all the privileges and responsibilities usually enjoyed by municipal corporations, and that Reuben B. Carlton, Alexander Paul, D. George Morrison, J. B. Culver, and Francis Roussain, be, and the same are hereby constitued, the Town Council of said town, who shall hold their office for one year after the passage of this act, and until their successors are elected and qualified.

Corporate limits

Corporators

SEC. 2. This Act shall take force and effect on and after its passage.

GEORGE BRADLEY,
Speaker *pro tem*, of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March third one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLIII.

An Act to extend the time for the payment of Taxes in the City of Winona.

SECTION 1. Time of payment of Taxes extended.

Be it enacted by the Legislature of the State of Minnesota:

Payment of taxes extended

SECTION 1. That the time within which the taxes within the year A. D. 1857, are required to be paid within the limits and for the corporate purposes of the City of Winona, be and the same is hereby extended until the first day of August, A. D. 1858.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fifth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 25, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLIV.

An Act to repeal an Act entitled "An Act to Organize Pembina County.

SECTION 1. Act organizing Pembina County repealed.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Chapter twenty (20) of the Session Laws of 1852, of the Territory of Minnesota, entitled "An Act to Organize the County of Pembina," Approved March 4, 1858, is hereby repealed. Act repealed

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fifth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 25, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLV.

An Act to authorize the County Commissioners of Sibley County to issue and sell Bonds for the purpose of erecting County Buildings for said County.

SECTION 1. Authorizes Bonds to be issued for erection of County Buildings.
2. Tax to be levied for payment of interest and principal.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Bonds to be issued for the erection of county buildings

SECTION 1. The Board of County Commissioners of the County of Sibley, in the State of Minnesota, are hereby authorized to issue Bonds, not exceeding in the aggregate the sum of ten thousand dollars, at such times and in such manner, and upon such terms and conditions as the said Board may deem proper, bearing interest not exceeding the rate of twelve per cent. per annum, for the purpose of erecting a Court House or Houses for said county, which bonds shall be signed by the said Commissioners, and attested by the Clerk of said Board, and under the seal of said county, and when issued and sold, shall be and continue a lien upon said Court House or Houses and the land upon which the same may be erected in said county, until the same are fully paid.

Tax to be levied for payment of interest and principal

SEC. 2. The Commissioners of said county shall annually levy a tax sufficient to pay the annual interest that may become due on said bonds, and shall annually levy a tax sufficient to pay one-tenth of the principal in each year, which tax collected for the payment of the principal, shall remain in the treasury of the county to cancel the bonds at the time the same shall become due.

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fourth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 24, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLVI.

An Act to define the North Line of Meeker County.

SECTION 1. County line of Meeker County defined.
2. Meeker and Stearns Counties to vote on its adoption.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Beginning at the north-east corner of Township one hundred and twenty-two (122) Range twenty-nine (29) west; thence due west on the township line between one hundrrd and twenty-two and three (122 and 123) to the north-west corner of Township one hundred and twenty-two (122), Range thirty-three (33) west of the fifth principal meridian. Boundary

SEC. 2. At the next general election the electors of the Counties of Meeker and Stearns, shall vote for or against the adoption of said line. Vote on its adoption

SEC. 3. This Act to take effect from and after its adoption.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fourth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 24, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLVII.

An Act to change the name of Watrath Lunblad.

SECTION 1. Name of Watrath Lunblad changed.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the name of Watrath Lunblad is, and the same is hereby changed to Watrath Loyd.

SEC. 2. That Watrath Loyd, the said Watrath Lunblad, may

May transact business

hereafter lawfully transact and carry on any lawful business, take, receive, hold and convey any property, personal or real estate, be entitled to his dues and hereditaments, but liable for his debts, if any, and for the fulfilment of his duties and agreement, the same as if this Act had not passed, and on its passage become a law.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-fourth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 24, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLVIII.

An Act to extend the time for the payment of Taxes in the Town of La Crescent.

SECTION 1. Time of payment of Taxes extended.

Be it enacted by the Legislature of the State of Minnesota:

Payment of taxes extended

SECTION 1. That the time within which the taxes are required to be paid within the limits, and for the corporate purposes of the Town of La Crescent, be and the same is hereby extended until the first Monday of August next.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February second, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }
February 2, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER XLIX.

An Act to legalize the assessment and collection of Taxes in Nicollet County for the years 1856 *and* 1857.

SECTION 1. Assessment of 1856 and 1857 declared legal and valid.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The tax lists of the County of Nicollet for the years 1856 and 1857, together with the acts and doings of the Assessors and County Commissioners in relation thereto, are hereby declared legal and valid to all intents and purposes. Declared legal and valid

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eight, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, }
March 8, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER L.

An Act to amend Section 9 of Chapter 13 of the Session Laws of the Extra Session of 1857.

SECTION 1. Extends the time for filing of bonds to one year from passage of this Act.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 9 of Chapter 13 of the Session Laws of the Extra Session of 1857, being "An Act to grant the right to establish Ferries and maintain the same, to certain persons in this Territory," be so amended as to extend the time for filing the bonds required in said Section, to one year from the passage of this Act.

Extends the time for filing bonds

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March tenth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LI.

An Act to legalize the Acts of the City Council of the City of Shakopee.

SECTION 1. Organization of City Council and their Acts legalized.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The organization of the City Council of the

City of Shakopee, notwithstanding any irregularities in said organization; and all Acts and Ordinances of said Council heretofore passed or which may be passed by them during the continuance of their term ofoffice, shall have the full force and effect of law.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eight, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file.

CHAS. L. CHASE, Secretary.

CHAPTER LII.

An Act to amend the Charter of the City of Shakopee.

SECTION 1. Amendment to Section 4, Chapter 1 of City Charter, concerning elections.
2. Amendment to Section 5, Chapter 2, concerning term of residence in City for voters.
3. Authorizes Mayor to issue oaths.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 4, Chapter 1 of said Charter be amended by adding in line 10, after the word "precinct," the words "For all purposes, county and city," so that it shall read, "each ward in said city shall constitute an election precinct for all purposes, county and city." Sec 4 chap 1 of charter amended

SEC. 2. That Section 5, in Chapter 2 of said Charter, shall be amended by striking out the word "six," in the third line, and inserting in lieu thereof the word "three," so that the Section as amended, shall read, "all persons entitled to vote for county or territorial officers, and who shall have resided Sec 5 chap 2 amended

in the city for three months next preceding the election, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created."

Mayor may administer oaths

SEC. 3. The Mayor of said city, by virtue of his office, shall have power to administer oaths in all cases, when oaths are required by law to be administered.

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March thirteeth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 13, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LIII.

An Act to authorize the inhabitants of Dodge County to vote upon the location of the County Seat of said County.

SECTION 1. Legal voters of County authorized to vote for County Seat.
2. Return and canvass of votes, how made.
3. Public notice of the result of the canvass to be given.
4. County Officers to remove to the place chosen.
5. Form of ballot.
6. Failure to select County Seat, to remain at present location until another election.

Be it enacted by the Legislature of the State of Minnesota:

Authority to vote for county seat

SECTION 1. It shall be lawful for, and the legal voters of the County of Dodge, are hereby authorized to vote at the next general election, for the location of the County Seat of said county.

Returns of the election

SEC. 2. The returns of the said election shall be made to the Register of Deeds of said county, or such other officer as the Legislature of this State may direct, and the votes cast

for the location of the County Seat shall be canvassed in the same manner as is, or may be, prescribed by law for the canvass of the votes cast for county officers.

Public notice of the result

SEC. 3. Upon the canvass so being made, and the result being ascertained, the point or town having received a majority of all the votes cast, shall be declared the permanent County Seat of said county, and shall be so declared by the canvassing officers within ten days thereafter, by posting notices of the same in three public places in said county.

Officers to remove to new county seat

SEC. 4. All officers of said county, or of this State required by law to hold their offices at the County Seat, are hereby required to remove the same to the County Seat so chosen within ten days from the publication of said results.

Ballot form of

SEC. 5. In voting for such County Seat, the ballots shall be printed or written as follows, viz: "For County Seat at ," the place voted for to be printed or written on the ballot as the voter may choose.

Failure to select a new location

SEC. 6. In case no point or town shall receive a majority of all the votes cast, then the County Seat shall remain at its present location until a majority of the legal voters of the county shall petition the County Commissioners for the privilege of again voting upon its removal, in which case the several provisions of this Act, shall have full force and effect at the next general election, held after such petitions shall be presented to the County Commissioners as aforesaid.

Future elections

SEC. 7. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March ninth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 9, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LIV.

An Act to authorize the County Commissioners of Hennepin County to issue and sell Bonds for the purpose of paying the indebtedness incurred in erecting buildings for said county.

SECTION 1. Authority to issue Bonds, not exceeding $22,000, for indebtedness of county.
2. Tax for interest and principal required to be raised.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Bonds to be issued for erection of Court House—interest thereon

SECTION 1. The Board of County Commissioners of the county of Hennepin, in the State of Minnesota, are hereby authorized to issue in the name of said county, and to sell bonds at par, payable in five, seven and nine years from the date thereof, not exceeding in the aggregate the sum of twenty-two thousand dollars, at such times and in such amounts as the said board shall deem proper, bearing interest not exceeding the rate of twelve per cent. per annum, for the payment of the indebtedness of said county, incurred in the erection and providing of a Court House for said county, which bonds shall be signed by the said Commissioners, and attested by the Clerk of said Board, and under the seal of said county.

Tax to be levied to pay interest and principal

SEC. 2. For the purpose of paying the principal and interest to become due upon said bonds, as the same may become due, the Board of County Commissioners of said county are hereby authorized and required to raise by tax upon the taxable property of said county, in the usual manner of assessing and collecting taxes for county purposes, a sufficient sum of money, and of such amounts and at such times as may be necessary to meet the sums of money to become due on said bonds, as fast as the same may become due, and as soon as said bonds shall be paid, the same shall be cancelled by the said board.

SEC. 3. This Act shall take effect immediately.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHEY,
President *pro tem.* of the Senate.

APPROVED—March ten, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LV.

An Act to Incorporate the town of Kandotta.

SECTION 1. Boundaries of the Town.
2. Trustees named—term of office.
3. Power to enter Land under the Act of Congress.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained in the town site of Kandotta, near Fairy Lake, in township one hundred and twenty-seven (127), and range thirty-four (34), be, and the same is hereby incorporated by the name of Kandotta, with all the powers, rights and privileges usually enjoyed by municipal corporations. Boundaries of the town

SEC. 2. That E. Whitefield, O. D. Ashley and Chas. Cook are hereby appointed Trustees of said town, who shall hold their offices until their successors are elected and qualified, and the corporate name of said town organization shall be the "Town Council of Kandotta." Trustees their term of office

SEC. 3. That the Trustees of said town shall have power to enter so much land within the corporate limits of said town as can be entered under the provisions of the Act of Congress, entitled "An Act for the relief of citizens of towns upon lands of the United States, under certain circumstances," approved May 23d, 1844. Town site to be entered

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seven, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, Feb. 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LVI.

An Act to establish the County of Kanabec.

SECTION 1. Boundaries of the County—Location of the County-Seat.
2. Board of Commissioners to be appointed by the Governor—All other officers to be appointed by Commissioners.
3. Act to be submitted to the Electors for approval.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries

SECTION 1. That so much of the County of Pine and State of Minnesota, as lies within the following boundaries, be, and the same is hereby established as the County of Kanabec. Beginning at the south-east corner of township thirty-eight (38), range twenty-three (23), west; thence west to the south-west corner of township thirty-eight (38), range twenty-five (25), west; thence north to the north-east corner of township forty (40), range twenty-five (25), west; thence east to the south-west corner of township forty-one (41), range twenty-four (24), west; thence north to the north-west corner of township forty-two (42), range twenty-four (24), west; thence east to the north-east corner of township forty-two (42), range twenty-two (22), west; thence south to the south-east corner of [township] forty-one (41), range twenty-two (22), west, to the north-east corner of township forty (40), range twenty-three (23), west; thence south to the place of beginning. The County-Seat of said county is hereby located at Brunswick.

County seat

County commissioners

SEC. 2. The Governor shall appoint three suitable persons, who shall constitute a Board of County Commissioners for said county, who shall hold their offices until the next general election, or until their successors are duly elected and qualified; and the said Board of Commissioners shall have power to appoint all other officers in and for said county; and said Commissioners shall have full power and authority to do and perform all acts and duties devolving upon the Board of County Commissioners of any other county in this State.

Other officers

Submission to a vote of the electors of their county

SEC. 3. This Act shall take effect on and after its adoption by a majority of the Electors of Pine county, at the next general election.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March thirteen, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 13, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LVII.

An Act to amend an Act entitled "An Act to establish the County of Monongalia."

SECTION 1. Boundary of the County.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That townships one hundred and twenty (120), one hundred and twenty-one (121), and one hundred and twenty-two (122), of range thirty-six (36), be added unto; and that townships one hundred and eighteen (118), and one hundred and nineteen (119), of ranges thirty-three (33), and thirty-four (34), be taken from the county of Monongalia; and said county shall be attached to the 20th representative district for election purposes. Boundaries

SEC. 2. This Act shall be in force from and after its provisions are adopted by the electors of the counties affected thereby.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twenty, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LVIII.

An Act to authorize the City of St. Paul to loan its Bonds to the St. Paul Bridge Company.

SECTION 1. Common Council authorized to issue Bonds to Bridge Company on interest.
2. Bridge Company required to execute mortgage on real estate and bridge to secure their payment.
3. Manner of insuring bonds to be expended for construction of bridge.
4. Revenue of the bridge pledged for the interest of the bonds.
5. Excess of profits over 15 per cent. to be invested in stocks as sinking fund for payment of principal.
6. Director to be appointed on behalf of the city.
7. Bridge Company to provide for each instalment sixty days before due.
8. Failure of the Bridge Company to provide for the interest, the City Council must provide,
9. Failure of Bridge Company to pay the interest, an agent to be appointed by Council to receive bridge revenues.
10. Insurance against fire to be effected and policy transferred to city.
11. Submission of the Act to the people—manner of conducting election.
12. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Bonds of the City to be loaned to bridge company

SECTION 1. The Common Council of the city of Saint Paul shall issue Bonds under its corporate seal, and the signatures of the Mayor and Comptroller, to an amount not to exceed one hundred thousand dollars, and shall loan the same to the Saint Paul Bridge Company; the said bonds to be issued in sums of not less than five hundred dollars each, and to bear interest at the rate of twelve per cent. per annum, payable

Annual interest

semi-annually in the city of New York, and the principal reimbursable at the expiration of from eight to ten years from the time of issuing the same; *Provided*, That,

SEC. 2. No portion of the above recited bonds shall be issued or loaned to the said Company until the following requirement shall have been fully carried into effect, viz:

Mortgage of Bridge and real estate to city

The Saint Paul Bridge Company shall execute to the city of Saint Paul, its mortgage to the amount of one hundred thousand dollars on their real estate, bridge and appurtenances, to secure the payment of the interest and principal of the bonds of the city herein authorized to be issued.

Bonds how issued

SEC. 3. Upon the execution and delivery to the Common Council of the bond and mortgage, as provided in the preceding section, the Mayor of the city shall execute and deliver to the Saint Paul Bridge Company, the bonds of the city, as authorized by the first section of this Act. The said bonds shall be issued from time to time, as the same may be re-

quired by the company, but no issue shall be made at any one time exceeding the sum of twenty-five thousand dollars; and after the first issue of bonds shall have been delivered to the company, no subsequent issue shall be demanded or authorized until the company have furnished satisfactory evidence to the Common Council of said city that the proceeds of the preceding issue of bonds have been actually expended for the construction of their bridge, and that the additional issue called for, is necessary for the further prosecution or completion of their work.

Proceeds to be expended in construction of bridge

SEC 4. The entire revenue of the bridge from tolls, after deducting necessary current expenses and repairs, shall be pledged to the payment of the interest of said bonds, which said interest shall be paid directly by said Bridge Company to the bond holders, and no dividends shall be declared or paid to stockholders until each semi-annual instalment of interest shall have been provided for.

Revenues of the bridge pledged for interest on bonds

SEC 5. The Saint Paul Bridge Company shall, under the direction of the Common Council, invest all the profits of the bridge over and above fifteen per cent. per annum, in bonds of the United States, or the States, or the city of St. Paul, for the purpose of creating a sinking fund for the payment of the city bonds provided for in this Act, and the said sinking fund shall remain and continue inviolable for the purposes herein provided.

Excess of profits to be invested as a sinking fund for principal

SEC. 6. The Common Council of the city of Saint Paul shall, after the first issue of bonds herein authorized, appoint one Director of the Saint Paul Bridge Company. The said Director shall be a resident and a freeholder of said city, and when so appointed, shall possess all the powers now enjoyed by any member of the present board, and shall hold his office during the pleasure of the Common Council; and the power of appointment hereby conferred, shall continue until the mortgage of the company executed to said city shall have been paid and satisfied.

Director on behalf of the city

SEC. 7. The Bridge Company shall provide for the payment of every instalment of interest on the said bonds, and report the evidence of the same to the Common Council of Saint Paul, at least sixty days before said instalment shall become due.

Bridge company to provide for payment of interest

SEC. 8. In case the Bridge Company shall fail to provide for the prompt and full payment of any instalment of semi-annual interest, as provided for in this Act, the Common Council of the city of Saint Paul shall make suitable provision to ensure the payment of the same when due.

Failure, city council to provide

SEC. 9. And in case the Bridge Company shall fail to provide for the payment of any instalment of interest on said bonds, the Common Council shall appoint an agent to receive the revenues of the bridge until such delinquent instalment of interest shall have been paid, and the subsequent instalment shall have been provided for.

Agent to be appointed to receive revenues of bridge

Insurance against fire

SEC. 10. And the said Saint Paul Bridge Company shall have their bridge insured against fire, and transfer the policy or policies therefor to the said city of Saint Paul.

Submission of the act to a vote of the electors of the city—manner of conducting election

SEC. 11. This Act shall not take effect until it has been submitted to the electors of the city of St Paul qualified to vote at an election for charter officers of said city, which election shall be held for the purpose of determining whether it is expedient for the Common Council of said city to loan the corporate bonds to the Saint Paul Bridge Company as herein provided. The said election shall be conducted in the same manner as the charter election is now conducted in said city, and all the provisions of law relative to the same are hereby extended to and made applicable to said election. The Inspectors of said election shall provide a box, in which each elector qualified to vote at the time of said election shall deposit a ballot, on which shall be written or printed the words "for the bridge loan," or the words "against the bridge loan." Those ballots on which shall be written or printed the words "against the bridge loan," shall be deemed as not approving it. The said ballot box shall be kept open for the reception of ballots from ten o'clock in the morning, until five o'clock in the afternoon, and said inspectors shall immediately thereafter canvass the ballots deposited, and certify to the Clerk of the Common Council of said city the result of said canvass, designating how many ballots were received "for the bridge loan," and how many were received "against the bridge loan." The Mayor and Clerk of the Common Council of said city shall, within five days after said returns shall have been made as herein required, proceed to canvass the same, and shall make and return to the Common Council, to be recorded in their minutes of proceedings, a certificate setting forth the aggregate vote cast at said election, designating the number given "for the bridge loan," and also the number given "against the bridge loan," and that this Act and the loan therein authorized to be made by the Common Council of said city to the Saint Paul Bridge Company, has been approved and confirmed, or not approved and rejected, as the case may be, by a majority of all the electors who have voted at said election. The aforesaid election shall take place within twenty days after the passage of this bill, and notice thereof published at least ten days before the said election shall be held.

SEC. 12. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem* of the Senate.

APPROVED—March eight, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE,
Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LIX.

A Bill to authorize the Common Council of the City of St. Paul to issue Bonds for the construction and completion of the Robert Street Sewer.

SECTION 1. Bonds for canceling Sewer certificates, and Bonds to be issued therefor by the City Council.
2. Special tax to be levied annually in Second Ward for interest and principal.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Common Council of the City of St. Paul is hereby authorized and empowered, upon the recommendation of the Street Commissioners of the Second Ward of said City, to withdraw and cancel all certificates given by said Commissioners to the contractor or contractors for the construction of the Sewer through Robert Street, in said Ward, and in lieu thereof, to issue to the holder or holders of such certificates, city bonds for the amount thereof, principal and interest, bearing interest not to exceed twelve per cent. per annum, and for a time not less than five, nor more than fifteen years, in sums not less than $500. *Provided, however*, That said Second Ward shall be liable to said City for the payment of said bonds.

Sewerage certificates to be cancelled

Bonds issued therefor—Interest

SEC. 2. The Common Council are authorized annually to levy a special tax, not exceeding one-half per cent. upon the property liable to taxation in said Second Ward, to pay the interest on said bonds, and the principal thereof as the same falls due.

Special tax to be levied

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—January eighteenth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE MINNESOTA, January 18, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LX.

An Act authorizing the County Commissioners of Anoka County to issue Bonds for the erection of County Buildings.

SECTION 1. County Commissioners authorized to issued Bonds for erection of County Buildings.
2. Tax to be levied for payment of principal and interest.
3. Necessary County Buildings to be erected.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Bonds to be issued for the erection of county buildings

SECTION 1. That the County Commissioners of Anoka County, are hereby authorized and empowered to issue Bonds to an amount not exceeding fifteen thousand dollars, bearing interest not to exceed twelve per cent. per annum, and for a time not less than two, nor more than ten years, to raise money or material to be expended in the erection of a County House, Jail and such other County Buildings as the County Commissioners may think proper, for the use of the county and for no other purpose; said Bonds shall be signed by the Commissioners authorizing the same, attested by the Clerk of said Board, and under the seal of said county; which Bonds so issued shall be and continue a lien upon the property in said county until the same is fully paid and satisfied.

Tax for principal and interest

SEC. 2. For the purpose of paying the principal and interest to become due upon said Bonds, as the same may become due, the said Board of County Commissioners are hereby authorized and required to raise by tax upon the taxable property in said county, in the usual manner of assessing and collecting taxes for county purposes, a sufficient sum of money and in such amounts and at such times as may be necessary, to meet the sums of money to become due on said Bonds, as fast as the same may become due, and as soon as said Bonds shall be paid, the same shall be canceled by the said Board.

SEC. 3. The County Commissioners shall, at the earliest practicable period, cause the necessary county buildings for the use of the county to be erected in such a manner, according to such plans and on such terms and place as they shall deem advisable for the interest of said county. Buildings to be erected

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LXI.

An Act to amend an Act entitled an Act to incorporate the St. Paul Water Company.

SECTION 1. Authorizes Company to take right of way through property for purposes of incorporation.
2. Procedure in case of disagreement as to value of lands taken.
3. Appeal may be taken to District Court.
4. Specified time for work to be put under contract and water furnished.
5. Acts inconsistent herewith repealed.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the President and Directors of said Company may legally enter upon any lands in the County of Ramsey, and locate all and singular the Reservoirs, Buildings, Water Wheels, Drains, Ditches, Pipes, Conduits, Aqueducts, Engines, Force Pumps and all necessary works and appendages thereto, doing no unnecessary damage to private or other property; and it shall be necessary for said Company to have a map made of all lands which they require for the purposes of the Company, and file the same in the office of Right to enter upon lands subject to compensation

the Clerk of the Court in said County; and then it shall be lawful for the said Company, by its officers, agents, engineers, superintendents, contractors, workmen and other persons employed by them, to enter upon, take possession of, have, hold, occupy and enjoy the lands designated in said map, for the purpose of completing the work herein contemplated, and keeping the same in repair, subject to such compensation to the owner or owners as may be agreed upon.

Disagreement as to value of lands taken—proceedure

SEC. 2. If the said Company, its officers or agents cannot agree with the owner or owners of such required lands for the use or purchase thereof, or if, by reason of the legal incapacity or absence of such owner or owners, no agreements can be made, the said Company shall give notice to the persons interested, if known, and in the State, or if unknown, or out of the State, by publication in two of the daily papers published in St. Paul, that they intend to make application to one of the Judges of the Supreme Court in said State, on a day and at a place to be named in said notice, not less than twenty days from the service or publication of such notice, for the appointment of three Commissioners to assess the damages which such owner or owners shall sustain in consequence of the occupation and erections aforesaid; and on the day and at the place specified in said notice, the said Judge shall make said appointment under his hand and seal, and it shall be the duty of said Commissioners to take [and subscribe] an oath or affirmation before some person authorized to administer the same, that they will faithfully and fully examine the matter in question, and make a true report according to the best of their skill and understanding. The said Commissioners shall then fix upon a place and day of meeting, giving the parties interested notice (as hereinbefore directed) not less than ten days before, of the time and place of their meeting; and on the day so appointed, they shall proceed to view the said lands and make a just and equitable estimate of the value of the same, and estimate the damages which will ensue from such erections and conversions, and the benefits which will accrue therefrom to the land owners, and they shall report in writing to the parties interested, the amount which the Company must pay each owner, which report the Company shall file in the office of the Clerk of Ramsey County; and a copy thereof, certified by said Clerk, shall be considered good and sufficient evidence of the right of said Company to have, hold, use, occupy and enjoy the land so entered upon; and it shall be the duty of said Company to pay the said owner or owners the amount thus determined, or in case the owner or owners refuse to receive the same, or live out of the Territory, or are incapacitated by law to receive the same, then the said sums shall be paid and delivered to the Clerk of said County, to be by him retained for such owner or owners, and in making payments in

either of the ways above stated, the title of the premises mentioned in said award and so paid for, shall be vested in said Company.

SEC. 3. If the said award be not satisfactory, the said owner or owners may appeal to the District Court of Ramsey County at its following term, whereupon the Court shall proceed to hear and determine the matter, and if the Jury shall find a greater sum than the Commissioners had awarded in favor of said owner or owners, then judgment thereon, with costs, shall be entered against said Company. But if the Jury shall find the same or less amount than the said Commissioners had awarded, then the said owner or owners shall be compelled to accept the amount found by the Jury in full satisfaction, and shall pay all the legal costs in the suit before said Court. Appeals to the district court

SEC. 4. That the said work shall be put under contract within one year, and a supply of water furnished to the citizens of St. Paul within three years from the passage of this Act. Commencement of work and completion

SEC. 5. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed. Repeal of acts inconsistent

SEC. 6. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE Secretary.

CHAPTER LXII.

An Act to define and establish the County Lines of Stearns County.

SECTION 1. County lines of Stearns County defined.
2. Southern boundary of the county.
3. Repeal of acts inconsistent.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as lies within the following

limits shall be known as the County of Stearns: Beginning at the point where the section line between sections seventeen (17), and twenty (20), in township one hundred and twenty-three (123), range twenty-seven (27), west of the fifth principal meridian, strikes the Mississippi River; thence running west on the section line to the west line of said township one hundred and twenty-three (123); thence south on said west line to the south-west corner of said township one hundred and twenty-three (123); thence west on the township line between townships one hundred and twenty-two (122), and one hundred and twenty-three (123), in the several ranges, to the south-west corner of township one hundred and twenty-three (123), range thirty-five (35); thence running north between ranges thirty-five (35), and thirty-six (36), west to the north-west corner of township one hundred and twenty-seven (127), range thirty-five (35); thence east on the township line between one hundred and twenty-seven (127), and one hundred and twenty-eight (128), in the several ranges, to a point where the said lines strike the Mississippi River; thence following the banks of said river south to the place of beginning.

Boundaries of the county

Southern boundary of the county

SEC. 2. That the southern boundary of Stearns County shall be the northern boundary of Wright County, from the point where said southern boundary touches the Mississippi River to as far west as Wright County extends, and that the west line of Wright County be continued north until it meets the southern boundary of Stearns County as herein defined.

Repeal of acts inconsistent

SEC. 3. All acts and parts of acts inconsistent with this Act are hereby repealed.

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twenty, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LXIII.

An Act to establish the Town of Olean.

SECTION 1. Boundaries of the town of Olean.
2. Names of Trustees of town.
3. Election of successors to Council. Oath of office.
4. Declared a body corporate. Corporate powers.
5. Provision for keeping Records of proceedings of Council.
6. Vacancies in the Town Council how filled.
7. By-Laws and Ordinances to be enacted. Further duties of Council.
8. Corporation tax to be assessed. Limit to one per cent.
9. Duplicate of tax list to be made out. Manner of collecting.
10. Books and papers of Council and other officers to be delivered to successors.
11. Pre-emption of town site to be obtained. Deeds to rightful owners. Costs of entry, &c.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained within the Town of Olean, according to a survey and plat of said town made by Mr. Lancaster, for the proprietors of said town of Olean, and situated in the county of Todd and State of Minnesota, as appears by the recorded plat of the same in the office of the Register of Deeds of Morrison county shall be a town corporate by the name of Olean. Boundaries of the town

SEC. 2. That for the good order and improvement of said town, John Gibson be, and is hereby appointed President, B. Bolt, E. D. Whitman, H. Brownson and F. X. Delise be, and are hereby appointed Trustees, which Board of Trustees shall elect a Secretary, and said President, Trustees and Secretary shall constitute the Council of said town, and shall hold their offices until their successors be elected and qualified. Names of trustees

SEC. 3. The male inhabitants of said town, being qualified voters, may, at any election of State and county officers, elect successors to the aforesaid Council, who shall enter upon the duties of their offices on the first Wednesday of January; and shall, before entering upon the duties of their offices, take an oath to support the Constitution of the United States, and also an oath of office. Election of successors—oath of office

SEC. 4. The President, Trustees and Secretary of said town shall be, and are hereby created a body corporate and politic, with perpetual successors, to be known by the name and title of the Town of Olean, and shall be capable in law, by the corporate name aforesaid, to acquire, hold and convey property, real and personal, for the use of said town. They may have a common Seal, and may alter and renew the same Corporate powers and rights

limits shall be known as the County of Stearns: Beginning at the point where the section line between sections seventeen (17), and twenty (20), in township one hundred and twenty-three (123), range twenty-seven (27), west of the fifth principal meridian, strikes the Mississippi River; thence running west on the section line to the west line of said township one hundred and twenty-three (123); thence south on said west line to the south-west corner of said township one hundred and twenty-three (123); thence west on the township line between townships one hundred and twenty-two (122), and one hundred and twenty-three (123), in the several ranges, to the south-west corner of township one hundred and twenty-three (123), range thirty-five (35); thence running north between ranges thirty-five (35), and thirty-six (36), west to the north-west corner of township one hundred and twenty-seven (127), range thirty-five (35); thence east on the township line between one hundred and twenty-seven (127), and one hundred and twenty-eight (128), in the several ranges, to a point where the said lines strike the Mississippi River; thence following the banks of said river south to the place of beginning.

Boundaries of the county

Sec. 2. That the southern boundary of Stearns County shall be the northern boundary of Wright County, from the point where said southern boundary touches the Mississippi River to as far west as Wright County extends, and that the west line of Wright County be continued north until it meets the southern boundary of Stearns County as herein defined.

Southern boundary of the county

Sec. 3. All acts and parts of acts inconsistent with this Act are hereby repealed.

Repeal of acts inconsistent

Sec. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

Approved—March twenty, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

Secretary's Office, Minnesota,
March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

Chas. L. Chase, Secretary.

CHAPTER LXIII.

An Act to establish the Town of Olean.

SECTION 1. Boundaries of the town of Olean.
2. Names of Trustees of town.
3. Election of successors to Council. Oath of office.
4. Declared a body corporate. Corporate powers.
5. Provision for keeping Records of proceedings of Council.
6. Vacancies in the Town Council how filled.
7. By-Laws and Ordinances to be enacted. Further duties of Council.
8. Corporation tax to be assessed. Limit to one per cent.
9. Duplicate of tax list to be made out. Manner of collecting.
10. Books and papers of Council and other officers to be delivered to successors.
11. Pre-emption of town site to be obtained. Deeds to rightful owners. Costs of entry, &c.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That so much land as is contained within the Town of Olean, according to a survey and plat of said town made by Mr. Lancaster, for the proprietors of said town of Olean, and situated in the county of Todd and State of Minnesota, as appears by the recorded plat of the same in the office of the Register of Deeds of Morrison county shall be a town corporate by the name of Olean.

Names of trustees

SEC. 2. That for the good order and improvement of said town, John Gibson be, and is hereby appointed President, B. Bolt, E. D. Whitman, H. Brownson and F. X. Delise be, and are hereby appointed Trustees, which Board of Trustees shall elect a Secretary, and said President, Trustees and Secretary shall constitute the Council of said town, and shall hold their offices until their successors be elected and qualified.

Election of successors—oath of office

SEC. 3. The male inhabitants of said town, being qualified voters, may, at any election of State and county officers, elect successors to the aforesaid Council, who shall enter upon the duties of their offices on the first Wednesday of January; and shall, before entering upon the duties of their offices, take an oath to support the Constitution of the United States, and also an oath of office.

Corporate powers and rights

SEC. 4. The President, Trustees and Secretary of said town shall be, and are hereby created a body corporate and politic, with perpetual successors, to be known by the name and title of the Town of Olean, and shall be capable in law, by the corporate name aforesaid, to acquire, hold and convey property, real and personal, for the use of said town. They may have a common Seal, and may alter and renew the same

at pleasure; may sue and be sued, plead and be impleaded, defend and be defended in all the Courts of law and equity; and when any suit shall be commenced against said town, the first process shall be served by an attested copy thereof, with the Secretary, at his usual place of residence, at least twenty days previous to the return day of such process. The officers of said town shall have a right of action against all trespasses on the property of said town; and any person trespassing upon any lands within the limits of said town, or occupying said lands without a conveyance from the proprietors of said town or their trustees, agents or assigns, shall forfeit all improvements he may make on such lands, and shall be liable to pay damages to twice the amount of actual injustice done to said lands.

Records of proceedings of council

SEC. 5. The President, and in his absence the Secretary, shall attend to all meetings of said Council, and make a fair and accurate record of their proceedings, and of the By-Laws, Rules and Ordinances made or passed by said Council, and the same shall be open for the inspection of the electors of said town; but in the absence of the Secretary, the Trustees shall appoint one of their own body Secretary *pro tem.*

Vacancies—how filled

SEC. 6. The said Town Council shall have power to fill all vacancies which may occur in said Board, from the householders of said town, who shall hold their appointment until their successors shall be elected and qualified; and in the absence of the President and Secretary from any meeting of the Town Council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Secretary for the time being.

By-laws and ordinances

SEC. 7. The Town Council aforesaid, shall have power to make and ordain and establish By-Laws and Ordinances for the government of said town, provided, that no such By-Laws and Ordinances shall conflict with the laws of the United States, or of this State; and to fix fines and penalties for the violation of such By-Laws and Ordinances; to provide for the election of a Treasurer and Marshal, and suitable subordinate officers of said town, and fix the compensation of said officers; to regulate and improve the levees, piers, streets and alleys; determine the width of side-walks in said town, to regulate the public grounds, to remove all nuisances and obstructions from the streets and public grounds of said town, and to do all things which similar corporations have power to do, in order to provide for the health, security and good order of said town.

Duties of council

Corporation tax—limit

SEC. 8. For the purpose of enabling said Council to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes, on all taxable property within the limits of said corporation, which tax shall not exceed in any [case] one cent on the dollar valuation, as the same may be found on the books of the Commissioners of the county in which said town may be located at the time of assessing such tax.

SEC. 9. When any tax is levied, it shall be the duty of the Secretary to make out a duplicate of the taxes assessed against each individual, and on each item of property, which duplicate shall be certified by the President and Secretary, and one copy placed in the hands of the Marshal, whose duty it shall be to collect such tax, in the same manner and under the same regulations as county taxes are collected in this State; and the said Marshal shall, immediately after collecting said tax, pay the same to the Treasurer of said corporation, and take his receipt therefor; and said Marshal shall have the power to sell property, both real and personal, in the same manner and under the same regulations as the collectors of county taxes, for the non-payment of said corporation tax; and when necessary, the Secretary shall have power to make deeds in the same manner as sheriffs do; and the Marshal receive for his fee, such sum as the Town Council shall direct, not to exceed six per cent of the taxes by him collected. Tax roll—manner of collecting

Fees for collecting

SEC. 10. The President, Secretary and other officers of said town shall, on demand, deliver to their successors in office, all books, papers, and other property belonging to said town. Delivery of books &c to successors

SEC. 11. It shall be the duty of said Council of said town to apply for a pre-emption of the land, within the limits of said town, not exceeding three hundred and twenty acres, under the provisions of an Act of Congress, entitled "An Act for the relief of citizens of towns upon lands of the United States under certain circumstances," approved May 23, 1844; and as soon as the title of said lands shall be obtained aforesaid, to ascertain the persons entitled to the various lots and blocks within said town, who may have a valid right to the same, either by original claim, or by transfer by the person having made such original claim; and to deed, under the hand of the President and Secretary, and sealed by the seal of said corporation to such person so entitled, the lots or blocks to which such person may be entitled, *Provided*, that no street or alley, or other public ground shall be so deeded; and provided, also, that every person or persons to whom such lots or blocks shall be deeded as aforesaid, shall first pay to the Treasurer or Secretary of said town, for such lots or blocks, the cost of entry, and incidental expenses of the same. Pre-emption of town site—deeds to rightful owners—costs of entry

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY.
President *pro tem.* of the Senate.

APPROVED March ninth, one thousand eight hundred and fifty-eight. CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 9, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LXIV.

An Act to establish the County of Toombs.

SECTION 1. Boundaries of the proposed county—location of county-seat.
2. Appointment of County Commissioners and other county officers.
3. Attached to Fourth Judicial District.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the county

SECTION 1. That so much territory as is embodied in the following limits be, and the same is hereby established as the County of Toombs: Beginning at the junction of the Bois des Sioux River with the Red River of the North; thence down the main channel of said river on the boundary line of this State, fifteen miles; thence in a line due east to the Pelican River; thence down the said river to its intersection with the Otter-Tail River or Red River of the North; thence in a line due south to the Chippewa River; thence in a direct line to the mouth of Lake Travers; thence down the main channel of the Bois des Sioux River, on the boundary line of this State, to the place of beginning. The county-seat of said county is hereby located at Breckenridge.

County seat

County commissioners

SEC. 2. The Governor shall appoint three suitable persons who shall constitute a Board of County Commissioners for said county, who shall hold their offices until the next general election or until their successors are duly elected and qualified; and the said Board of Commissioners shall have power to appoint all other county officers in and for said county; and said Commissioners shall have full power and authority to do and perform all acts and duties devolving upon the Board of County Commissioners of any other county in this State.

Other county officers

Attached to 4th judicial district

SEC. 3. The said county shall be within the Fourth Judicial District.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighteen, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 18, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LXV.

An Act to establish the County of Kandiyohi.

SECTION 1. Boundaries of the proposed county.
2. Location of county-seat, and appointment.
3. Organized counties affected by the lines of this county, to vote on the establishment of the county.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much territory as is embraced in the following boundaries be and the same is hereby created into a separate county, to be known as the County of Kandiyohi, to wit: Beginning at the south east corner of township one hundred and seventeen (117), range thirty-three (33); thence running west to the south-west corner of township one hundred and seventeen (117), range thirty-six (36); thence north to the north-west corner of township one hundred and nineteen (119), range thirty-six (36); thence east to the north-east corner of township one hundred and nineteen (119), range thirty-three (33), and thence south to the place of beginning. Boundaries of Kandiyohi county

SEC. 2. The county-seat of Kandiyohi County is hereby located at the town of Kandiyohi: and James C. Bright, John Johnson and Mangus Anderson are hereby appointed County Commissioners for said county; and said county shall be attached to the Twentieth Representative District for election purposes. Kandiyohi the county seat—names of commissioners

SEC. 3. The counties already organized, affected by the provisions of this Act, shall vote at the next general election upon the changes of county boundaries proposed in this Act.

SEC. 4. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twenty, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LXVI.

An Act to incorporate the town of Moritzious.

SECTION 1. Boundaries of the town. Names of the Town Council. Term of office.
2. Repeal of former Act of Incorporation, approved May 23, 1857.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That so much land as is contained in lots numbered two [2], and three [3], of section twelve [12], and the east half of the southwest quarter and the northwest quarter of the southeast quarter, and lot numbered one [1], in section eleven [11], in township numbered one hundred and twenty-one [121], north of range twenty-five [25], west, in the town of Wright, in the State of Minnesota, be, and the same is hereby created a town corporate by the name of "Moritzious," and that for the good order and government of the said town, Moritzious Weissberger as President, John A. Richter as Recorder and Row Brazie, with the President and Recorder, as Trustees, are hereby constituted a Town Council of said town, who shall enter upon the duties of their respective offices on the third day of August 1858, after having been sworn and qualified as is provided by law, and who shall hold their respective offices for two years, and until their successors are elected and qualified, which successors shall be chosen by the electors of said town, and in two years thereafter.

First town council

Repeal of former act of incorporation

SEC. 2. That so much of the act to incorporate certain towns in the Territory of Minnesota, and provide for town governments within the same, approved May 19, 1857, and of the "Act to incorporate certain towns in the Territory of Minnesota," approved May 23, 1857, as is inconsistent, or in conflict with the provisions of this Act, be, and the same are hereby repealed.

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August thirteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota,
August 13, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXVII.

An Act to establish the Counties of Pembina and Polk.

SECTION 1. Boundaries of the county of Pembina.
2. Boundaries of the county of Polk.
3. Location of the County Seats.
4. County Supervisors to be appointed by Governor.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much territory as is embraced in the following limits be, and the same is hereby created into the county of Pembina: Commencing at a point on the east bank of the Red River, opposite to the mouth of Turtle River, and running east to the western boudary of Itasca county; thence north, following said boundary of Itasca county to the Lake of the Woods; thence west, following the boundary line between the United States and the British Possessions to the Red River; thence up said river to the place of beginning. Boundaries of Pembina county

SEC. 2. That so much territory as is embraced in the following described limits, be, and the same is hereby created into the county of Polk: Commencing at the south-west corner of Pembina county, and running up the Red River to the mouth of Buffalo River; thence easterly along the northern boundaries of Breckenridge and Becker counties, to the north-east corner of Becker county; thence in a direct line to the head of Itaska Lake; thence northerly, following the western boundaries of Cass and Itaska counties to the south-east corner of Pembina county; thence west, to the place of beginning. Boundaries of Polk county

SEC. 3. The County Seat of Pembina county is hereby temporarily located at Saint Vincent, and the County Seat of Polk county is hereby temporarily located at Douglass. County seats

SEC. 4. The Governor of the State shall appoint three suitable persons a Board of County Supervisors for each of

County supervisors to be appointed by Governor.

the above named counties, who shall hold their respective offices until the next general election and until their successors shall be duly elected and qualified; and the Supervisors to be appointed, as aforesaid, shall have power to appoint all other officers for their respective counties, who shall have full power and authority to do and perform all acts which the Supervisors of other organized counties can do and perform.

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE.
President of the Senate.

APPROVED—July twentieth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXVIII.

An Act authorizing the City of St. Paul to issue Special Bonds of the City for Certain Purposes.

SECTION 1. Authorizes City Bonds to be issued for purchase and building Markets.
2. Interest per annum and duration of bonds.
3. Credit of city pledged, and taxes authorized for payment of interest and principal.
4. Act takes effect on passage,

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. For the purpose of purchasing suitable land and buildings for a market or markets in St. Paul, the Common Council of said city are hereby authorized and empowered to issue special bonds of said city to an amount not exceeding the sum of thirty-five thousand dollars.

Issue of bonds to build market house

SEC. 2. Said bonds shall bear an annual interest not exceeding twelve per cent. per annum, said interest payable annually, in the city of New York, on the first day of August of

Interest per annum

each and every year, and the principal of said bonds shall be payable at such time as said Common Council may determine, not exceeding fifteen years from the date thereof.

SEC. 3. Said bonds shall be signed by the Mayor of said city, and by the Clerk of said Common Council, and countersigned and registered by the Comptroller of said city, and sealed with the seal thereof; and the faith and credit of the City of St. Paul shall be pledged for the punctual payment of the principal and interest of said bonds when the same shall mature; and the Common Council of said city are hereby authorized to levy a special tax upon all the taxable property of said city not exceeding one-half of one per cent., to meet the payment of the interest and principal of said bonds.

Special tax to be levied

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August third, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXIX.

An Act to Legalize certain Acts of the Town Council of Winnebago City and Clearwater.

SECTION 1. Certain acts of Town Councils legalized.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the acts of the Town Council of the towns of Winnebago City and Clearwater, so far as relates to the advertising and posting notices of the entry of said towns, are hereby declared legal.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE.
President of the Senate.

APPROVED—July twenty-seven, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

ERANCIS BAASEN, Secretary of State.

CHAPTER LXX.

An Act for the relief of certain persons who have been allowed to pre-empt University Lands.

SECTION 1. Relinquishment of claim of the State to certain lands settled and claimed as University lands.
2. Act takes effect on passage.

Whereas, Certain lands situated in Rice county in the Winona Land District, in the State of Minnesota, which have been selected by the Regents of the University of Minnesota, have been pre-empted by persons who were ignorant of such selection, and who have been suffered to remain upon said lands since 1855, without any notice from the Land Department, until recently, that there was any adverse claim upon their lands; therefore,

Be it enacted by the Legislature of the State of Minnesota:

Relinquishment of claim of the state to certain lands selected as university land

SECTION 1. That the State of Minnesota hereby relinquish all rights and claim to and in all lands in Rice county, in the State of Minnesota, in the Winona Land District, which the Regents of the University of Minnesota have, through their agents, caused to be selected and claimed as University Lands, in said county of Rice, in the Winona Land District, which have been pre-empted by Edward P. Jones, William Miller, Lyman M. Benson, John D. Benson, Nathan Morris,

Edward L. Dungay, Alexander Young, John Manahan, Daniel P. Smith, John Murray, Edward Davis, John Gray, Jr., Benjamin L. Vanhorn, Heinrich Swanbeck, Asa Fuller, Elferd Gager, Fredrick Payinkoff, Augustus Hinckley, and for which duplicates have been issued to said pre-emptors; *Provided*, That the Governor of the State of Minnesota shall be allowed by Congress, or by the General Land Office, at Washington, to select other vacant lands instead of those thus pre-empted.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXI.

An Act to Incorporate the City of Hastings and to repeal a former Charter.

CHAPTER 1. City boundaries.
2. Election of officers and vacancies.
3. Powers and duties of officers.
4. City Council—its general powers and duties.
5. Taxes—manner of assessment, levying and collecting.
6. Opening of Streets, Lanes, &c.
7. Miscellaneous Provisions.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

SECTION 1. All that part of the county of Dakota contained within the limits and boundaries hereinafter described, shall be a city by the name of Hastings, and the people now

Corporation

inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of Hastings, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all Courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries

SEC. 2. The Territory included within the following boundaries and limits, shall constitute the city of Hastings, viz: Section twenty, (20,) twenty-nine, (29,) thirty-two, (32,) thirty-three, (33,) thirty-four, (34,) and thirty-five, (35,) and fractional sections sixteen, (16,) seventeen, (17,) twenty-one, (21,) twenty-two, (22,) twenty-three, (23,) twenty-six, (26,) twenty-seven, (27,) and twenty-eight, (28,) all being in township number one hundred and fifteen, (115,) north of range number seventeen, (17,) west of the fifth principal meridian, and in the aforesaid county of Dakota, and the jurisdiction of said city shall also extend on the north front thereof over the Mississippi River to the left bank thereof descending. The said city is hereby divided into three Wards, viz: The First Ward to comprise all the Territory within the city limits east of a line drawn through the middle of Bailly street, from the north to the south boundary of the city; the Second Ward to comprise all the Territory west of the line of the First Ward, and east of a line drawn through the middle of Vermillion street, from the north to the south boundary of the city; and the Third Ward to comprise all the Territory within the city limits not included within the First and Second Wards.

CHAPTER II.

Annual election

SEC. 1. After the first election, the annual election of city officers shall be held on the third Tuesday of May of each year, at such places within each Ward as the City Council shall designate, and the polls shall be kept open from ten o'clock, A. M., till four, P. M., and ten days previous notice shall be given by the City Council, of the time and places of holding such elections, and the officers to be elected, by posting notices thereof in three of the most public places in the city, and by publishing the same in at least one of the papers published in the city.

Elective officers

SEC. 2. The elective officers of the city shall be a Mayor, Clerk, and one Alderman from the First and Third Wards, and two Aldermen from the Second Ward, who shall have been residents of the Ward from which they are elected for at least thirty days next preceding the day of election, and shall hold their office for one year from the first of June, and until their successors are elected and qualified.

or other matters which by this Act is, or by city ordinances shall be required to be published, shall file with the Clerk a copy of such publication, which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Further duties of officers to be prescribed by council

SEC. 15. The City Council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this Act, and to prescribe their duties and for the compensation of all officers elected or appointed by them. Such compensation shall be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The City Council may at any time fix the compensation of any officer or committee for an incidental service by them performed; *Provided*, No member of the City Council shall receive from the city, for incidental or other expenses, or a salary in any one year, a sum to exceed twenty-five dollars.

Contracts—members of council to have no interest in

SEC. 16. No member of the City Council shall be party to, or interested in any job or contract with the city and any contract in which any member of the City Council may be so interested, shall be null and void.

Failure of officers to deliver up books

SEC. 17. Any person having been an officer in said city, shall, within ten days after notification and request, deliver to his successor in office, all property, books, papers, and effects of every description in his possession belonging to said city, or pertaining to the office he may have held. If he fail so to do, after such notification and request, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successors may recover the possession of such books, papers, and effects in the manner prescribed by the laws of this State, in case of unlawful detention of property.

Peace officers defined

SEC. 18. The Mayor, Sheriff of Dakota county, and each and every Alderman, Justice of the Peace, Marshal, and Constable of the precinct of which said city is a part, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all disorderly behavior within the limits of the city: and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of twenty-five dollars.

CHAPTER IV.

THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

SEC. 1. The Mayor and Aldermen shall constitute the

to fill such vacancy, as herein prescribed or provided by ordinance, not in conflict with the provisions hereof.

First election

SEC. 10. The first election for city officers, of the holding of which, the passage of this Act shall be deemed sufficient notice, shall be held on the fourth Wednesday of June next, at which time an election shall be held in each Ward, and the voters of the First Ward shall vote at the house of P. Rourke, those of the Second Ward, at the City Hotel, and those of the Third Ward, at the St. Cloud House, but the City Council may change said places of holding elections to any other convenient place in each Ward respectively.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Oath of office to be taken

SEC. 1. Every person appointed or elected to any office under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the Clerk of the city; and the Treasurer and Tax Collector, and such other officers as the City Council may direct, shall severally, before entering upon the duties of their respective offices, execute to the city of Hastings, a bond with at least two sureties, to be approved by the City Council, and such bond shall contain such conditions as the City Council may deem proper, and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Bond and sureties

Mayor—his duties

SEC. 2. The Mayor shall, when present, preside over the meetings of the City Council, and take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. The Mayor or any two Aldermen may call special meetings of the City Council. He shall have power to execute all acts that may be required of him by an ordinance made in pursuance of this Act, and is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid him in suppressing the same in carrying into effect any law or ordinance; any person who shall not obey such call, shall forfeit to said city a fine not exceeding twenty-five dollars, and not less than five dollars.

Neglect of duties by Mayor

SEC. 3. In case the Mayor shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction threof, shall pay a fine of not more than five hundred dollars, and the Court shall have power, (upon the recommendation of the jury in the cause,) to add to the judgment for the fine, that he be removed from office.

Absence of Mayor

SEC. 4. In case of the absence of the Mayor from the city, or his inability from any reason to discharge the duties of his office, the Council shall elect, by ballot, from their own number, an officer who shall be styled "Acting Mayor," and all acts performed by him shall have the same force and validity as if performed by the Mayor.

Recorder his duties

SEC. 5 The Clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of all the proceedings of the City Council. He shall draw orders on the Treasurer, in pursuance of any order or resolution of the City Council, and keep a full and accurate account thereof in books provided for that purpose, and make a full and fair record of all the by-laws, rules or ordinances made or passed by said City Council. The Clerk shall have power to administer oaths or affirmation and copies of all papers filed in his office, and transcripts from the records of the City Council, certified to by him under the corporate seal, shall be evidence in all Courts in like manner as if the original were produced. He shall report annually, on or about the first day of June, to the Council, an estimate of the expenses of the city for the current year, and the revenues necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of June. He shall countersign all contracts made in behalf of the city, and all certificates of work done by order of the City Council. He shall negotiate such temporary loans for the city as the City Council shall direct, and such loan shall be subject to the approval of the City Council. He shall examine the reports, books, papers, vouchers and accounts of the Treasurer, and from time to time, shall perform such other duties as the Council shall direct. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan to be negotiated by the city.

Officers to be elected by council

SEC. 6. The City Council shall have power to elect a City Attorney, Treasurer, Marshal, Tax Collector, Surveyor and Police Justice, and define their duties.

City Attorney, his duties

SEC. 7. The City Attorney shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any subject submitted to him by the City Council or its committees; *Provided*, He shall not receive to exceed fifty dollars per year for such services.

Treasurer, his duties

SEC. 8. The Treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and on the first day of June, and quarterly thereafter, he shall exhibit to the City Council a full and detailed account of all the receipts and expenditures after the date of the last quarterly report, and also the state of the treasury, which accounts shall be filed with the Clerk.

Marshal, his duties

SEC. 9. The Marshal shall execute such orders, and perform such duties as are prescribed by the City Council, for the preservation of the public peace, for the good order,

cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law, and under the statutes of this State and receive like fees.

City Surveyor, his duties

SEC. 10. The City Surveyor shall hold his office during the pleasure of the City Council, who shall prescribe his duties and fix the fees of compensation for any services performed by him; all surveys, profiles, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the Clerk, open to the inspection of parties interested.

City Justice of the Peace

SEC. 11. The Justice of the Peace for the city, shall possess all the authority, power and rights of a Justice of the Peace, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace, but warrants returnable before the said City Justice, may be issued in criminal cases by any Justice of the Peace of said county of Dakota, but no fee shall be received therefor by such Justices. Said Justice shall have exclusive jurisdiction in all cases in which the city is a party. In case of the absence, sickness or other disability of said Justice, or from any sufficient reason, the Mayor, by warrant, may authorize any other Justice of the Peace within the limits of the city, to perform the duties pertaining to the office of said Justice, and the Mayor shall thereupon inform the City Attorney and Marshal of such appointment, and make report thereof to the City Council, and they may confirm or set aside such appointment, or appoint some other person, and the person so appointed, shall, for the time being, and until his appointment is vacated, possess all the authority, powers and rights appertaining to the office of Justice of the Peace for the city, *Provided*, That nothing herein contained shall be deemed or so construed as to deprive the city Justice of the Peace of his jurisdiction.

Quarterly report of Justice

SEC. 12. The Justice of the Peace shall quarterly report or oftener if required, to the City Council, a list of all proceedings instituted before him in behalf of the city, and the dispositions thereof; and shall at the same time account and pay over the amount of all penalties and costs collected, which may by law accrue to the city, and he shall be entitled to receive from the county of Dakota, such fees in criminal cases as are allowed to other Justices of the county for similar services.

City Printer

SEC. 13. The City Council may designate a newspaper printed in the city in which shall be published all ordinances and other proceedings and matters required by this Act or by the by-laws or ordinances of the City Council to be published in a public newspaper.

SEC. 14 The city printer or printers, immediately after the publication of any notices, ordinance, or resolution,

or other matters which by this Act is, or by city ordinances shall be required to be published, shall file with the Clerk a copy of such publication, which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Further duties of officers to be prescribed by council

SEC. 15. The City Council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this Act, and to prescribe their duties and for the compensation of all officers elected or appointed by them. Such compensation shall be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The City Council may at any time fix the compensation of any officer or committee for an incidental service by them performed; *Provided*, No member of the City Council shall receive from the city, for incidental or other expenses, or a salary in any one year, a sum to exceed twenty-five dollars.

Contracts—members of council to have no interest in

SEC. 16. No member of the City Council shall be party to, or interested in any job or contract with the city and any contract in which any member of the City Council may be so interested, shall be null and void.

Failure of officers to deliver up books

SEC. 17. Any person having been an officer in said city, shall, within ten days after notification and request, deliver to his successor in office, all property, books, papers, and effects of every description in his possession belonging to said city, or pertaining to the office he may have held. If he fail so to do, after such notification and request, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successors may recover the possession of such books, papers, and effects in the manner prescribed by the laws of this State, in case of unlawful detention of property.

Peace officers defined

SEC. 18. The Mayor, Sheriff of Dakota county, and each and every Alderman, Justice of the Peace, Marshal, and Constable of the precinct of which said city is a part, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all disorderly behavior within the limits of the city: and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of twenty-five dollars.

CHAPTER IV.

THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

SEC. 1. The Mayor and Aldermen shall constitute the

County supervisors to be appointed by Governor.

the above named counties, who shall hold their respective offices until the next general election and until their successors shall be duly elected and qualified; and the Supervisors to be appointed, as aforesaid, shall have power to appoint all other officers for their respective counties, who shall have full power and authority to do and perform all acts which the Supervisors of other organized counties can do and perform.

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE.
President of the Senate.

APPROVED—July twentieth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXVIII.

An Act authorizing the City of St. Paul to issue Special Bonds of the City for Certain Purposes.

SECTION 1. Authorizes City Bonds to be issued for purchase and building Markets.
2. Interest per annum and duration of bonds.
3. Credit of city pledged, and taxes authorized for payment of interest and principal.
4. Act takes effect on passage,

Be it enacted by the Legislature of the State of Minnesota:

Issue of bonds to build market house

SECTION 1. For the purpose of purchasing suitable land and buildings for a market or markets in St. Paul, the Common Council of said city are hereby authorized and empowered to issue special bonds of said city to an amount not exceeding the sum of thirty-five thousand dollars.

Interest per annum

SEC. 2. Said bonds shall bear an annual interest not exceeding twelve per cent. per annum, said interest payable annually, in the city of New York, on the first day of August of

each and every year, and the principal of said bonds shall be payable at such time as said Common Council may determine, not exceeding fifteen years from the date thereof.

SEC. 3. Said bonds shall be signed by the Mayor of said city, and by the Clerk of said Common Council, and countersigned and registered by the Comptroller of said city, and sealed with the seal thereof; and the faith and credit of the City of St. Paul shall be pledged for the punctual payment of the principal and interest of said bonds when the same shall mature; and the Common Council of said city are hereby authorized to levy a special tax upon all the taxable property of said city not exceeding one-half of one per cent., to meet the payment of the interest and principal of said bonds. Special tax to be levied

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August third, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXIX.

An Act to Legalize certain Acts of the Town Council of Winnebago City and Clearwater.

SECTION 1. Certain acts of Town Councils legalized.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the acts of the Town Council of the towns of Winnebago City and Clearwater, so far as relates to the advertising and posting notices of the entry of said towns, are hereby declared legal.

Oath and duties of Assessors

assessors shall make out a complete and accurate assessment roll, which shall contain a description sufficient to identify the same, of all lands, lots, or parcel of lands within said city, and also of all persons or bodies politic liable to pay taxes, on personal property or capitation tax, and opposite to each parcel or lot of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of the personal property for which such person or body politic be assessed. When there are buildings upon any lot or parcel of land, their value shall be set forth in a separate column. The assessors may assess any lot or tract of land in such parcels or subdivisions as they deem proper, but it shall not be necessary to enter the name of the owner opposite to every tract or parcel of land.

Objections to assessments, how heard

SEC. 4. When the assessment roll shall be completed, the assessors shall give ten days notice thereof in the official paper of the city, or give notice thereof by posting notices in three of the most public places in the city, fixing a time and convenient place, when they will meet for the purpose of hearing any objections of parties declaring themselves aggrieved by such assessment; and after hearing such objections, the assessors may make such alterations or revisions as justice and equity may require; *Provided*, The time of hearing such objections shall not be extended more than five days from the expiration of such notice.

Powers of council over assessment roll

SEC. 5. Within six days after the time limited for hearing such objections, the assessors shall return the said assessment roll to the City Council, and they may confirm or refer the same back to the assessors. The City Council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from and otherwise revise and correct the same.

Filing of the roll

SEC. 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the Clerk, thereupon the said City Council shall, by resolution, levy such sum or sums of money as may be sufficient for the purpose for which taxes are herein authorized to be levied, but not exceeding the authorized limits.

Taxes a lien upon property

SEC. 7. All taxes and assessments, general or special, levied under this Act shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the order confirming the assessment-roll, and upon all personal property of any person or body politic, from the time of delivery of the warrant for the collection to the tax-collector until such tax shall be paid; and no sale or transfer of such real or personal estate after said time shall effect said lien. Any personal property belonging to the taxed, may be taken and sold for the payment of taxes on personal property.

SEC. 8. As soon as the tax shall be levied, the clerk shall

copy the same in a book provided for that purpose, setting opposite of each tract of land, and to each person named under the proper columns, such sum or sums as may have been levied upon such lot or against such person. The said copy shall be designated the "tax-list," and to it shall be appended a warrant, signed by the Mayor and Clerk, and sealed with the corporate seal of said city, directed to the tax-collector, requiring and commanding him to collect the taxes and assessments on said list, specified in the manner prescribed by this Act; and in case said taxes and assessment shall not be paid within such times as therein specified, then that he shall proceed and sell the several lots or parcels of land, or those parts thereof upon which said taxes and assessments shall remain unpaid, and make return to the city Council within such time as shall be fixed in said warrant. Copy of tax roll

SEC. 9. Such tax-list, before being delivered to the city collector, shall be compared by the clerk with the assessment-roll as confirmed; he shall affix to it his certificate, that the same has been so compared by him, and that the whole of said assessment-roll has been copied into such tax-list; and the said tax-list, when so certified, shall be *prima facie* evidence in any Court that the land or persons therein named were subject to taxation, and that the assessments were just and equal. Delivery to collector

SEC. 10. On the receipt thereof, the Collector shall give one week's notice thereof in the official paper, or shall give ten days' notice thereof by posting up notices in three of the most public places in said city. Such notices shall specify that taxes on personal property shall be paid within twenty days from the first publication of such notice, or from the first day of posting the same, and taxes and assessments on real estate before the first day of October following; that if such taxes are not paid till after the first day of October, interest will be charged of three per cent. a month, or fractional part of a month, after said first day of October, upon all unpaid taxes; and that all tracts or parcels of land or buildings specified in said tax-list, upon which said taxes and assessments shall not be paid by the first day of October, will be sold at a certain time and place therein to be specified, for the payment of such taxes and assessments;—and the publication or posting of such notices shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified shall be deemed a refusal to pay the same. Manner of collecting

SEC. 11. At the expiration of twenty days, the Collector shall proceed to enforce the collection of the taxes on personal property, in the same manner prescribed by the statutes and laws of this State; and if any such personal tax shall not be paid or collected in consequence of the neglect or delay of the Collector, the city Council may sue and recover the amount thereof from the said Collector and his sureties. Failure to collect, suit

Sale of property for taxes

SEC. 12. On the day and at the place designated in the Collector's notice, he shall commence by public auction the sale of all tracts and lots of lands, or parcel therof upon which the taxes and assessments remain unpaid, and continue the said sale from day to day until the whole of such tracts, lots or parcels of land are disposed of. On receiving the amount of such purchase-money, the Collector shall issue to the purchaser a certificate containing the name of the purchaser, a description of [the] premises sold, the amount paid thereon, the rate of interest said certificate may bear, and the time when the right to redeem shall expire. The Collector shall keep a record of the lots or tracts sold, the name of the purchaser, date and sale, the amount received for taxes and charges respectively, the time when, by whom and for what amount the same was redeemed;—and the City Clerk shall act as clerk at such sale.

Purchase money

SEC. 13. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, before ten o'clock on the morning following the day of such sale, the Collector shall immediately offer such tract again for sale, and the person refusing or neglecting to pay for the same by ten o'clock of the day following the day of sale, he shall forfeit and pay to the city five dollars for each lot so purchased, to be sued and collected as other penalties under this Act.

Redemption of property

SEC. 14. Any lot or tract of land so sold may be redeemed by the owner thereof, his agent or attorney, or by any other person having an interest therein, or at any time within one year after the day of sale, by paying to the Collector the amount for which the same was sold, including taxes and charges, together with the interest thereon, at the rate of thirty-six per cent. per annum, and the legal charges and taxes thereon since the time of sale. If the estate of an infant or lunatic be sold, the same may be redeemed upon like terms, within one year after such disability is removed, or at any time before the expiration of such time.

Assignment of tax certificate

SEC. 15. Any such tax certificate shall be assignable by endorsement, and the assignee thereof shall be entitled to receive a deed of the premises in such certificate described, in his own name, and with the same effect as though he had been the original purchaser.

The city may bid off property

SEC. 16. In case at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the Collector shall execute to the city, in its corporate name, a certificate of the sale thereof, specifying the same facts as a certificate issued to other purchasers, and the city shall be vested with the same rights as other purchasers, and which said certificate shall be filed with the City Treasurer. If the city shall become the purchaser of any personal property by virtue of this chapter, the Treas-

urer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the city Council may authorize the the Treasurer to sell the certificate issued therefor for the amount paid therefor, with interest, and to endorse and transfer such certificate to the purchasers thereof.

Omission in assessment, how cured

SEC. 17. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or parcel of land so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omissions occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the city Council shall, in addition to the taxes for the current year, lay such tax upon such lot or tract of land as the same would have been chargeable with had not the same been omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whatsoever hands they may come. Should any tax or assessments upon any lot or parcel of land be set aside or declared void by reason of any defect or informality in the assessing, buying, selling or conveying the same or other matter, but not affecting the equity or justice of the tax itself, the City Council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall direct: *Provided*, That if the defect was in the assessment, the same shall be again assessed at such time as the city Council shall direct;—and the said tax or assessments so reassessed and re-levied shall be and continue a lien upon said tract or lot, and shall be collected as other taxes or assessments are collected under this Act.

Evidence of tax in suits

SEC. 18. All deeds purporting on their face to be executed on account of sales for taxes or assessments under this Act, shall be in all cases *prima facie* evidence of the validity of such tax; and in case the title conveyed by such deed shall come in question, the same shall be *prima facie* evidence of all facts recited in such deeds so far as they affect the force or validity of all title conveyed or purporting to be conveyed by such deeds.

Informality not affect validity of tax

SEC. 19. All the instructions and directions herein given for the assessing of lands and personal property, and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, and not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment nor of the title conveyed, under any sale for taxes under this chapter.

Corporation

inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of Hastings, and shall have the general powers possessed by municipal corporations at common law, and in addition thereto, shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all Courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries

SEC. 2. The Territory included within the following boundaries and limits, shall constitute the city of Hastings, viz: Section twenty, (20,) twenty-nine, (29,) thirty-two, (32,) thirty-three, (33,) thirty-four, (34,) and thirty-five, (35,) and fractional sections sixteen, (16,) seventeen, (17,) twenty-one, (21,) twenty-two, (22,) twenty-three, (23,) twenty-six, (26,) twenty-seven, (27,) and twenty-eight, (28,) all being in township number one hundred and fifteen, (115,) north of range number seventeen, (17,) west of the fifth principal meridian, and in the aforesaid county of Dakota, and the jurisdiction of said city shall also extend on the north front thereof over the Mississippi River to the left bank thereof descending. The said city is hereby divided into three Wards, viz: The First Ward to comprise all the Territory within the city limits east of a line drawn through the middle of Bailly street, from the north to the south boundary of the city; the Second Ward to comprise all the Territory west of the line of the First Ward, and east of a line drawn through the middle of Vermillion street, from the north to the south boundary of the city; and the Third Ward to comprise all the Territory within the city limits not included within the First and Second Wards.

CHAPTER II.

Annual election

SEC. 1. After the first election, the annual election of city officers shall be held on the third Tuesday of May of each year, at such places within each Ward as the City Council shall designate, and the polls shall be kept open from ten o'clock, A. M., till four, P. M., and ten days previous notice shall be given by the City Council, of the time and places of holding such elections, and the officers to be elected, by posting notices thereof in three of the most public places in the city, and by publishing the same in at least one of the papers published in the city.

Elective officers

SEC. 2. The elective officers of the city shall be a Mayor, Clerk, and one Alderman from the First and Third Wards, and two Aldermen from the Second Ward, who shall have been residents of the Ward from which they are elected for at least thirty days next preceding the day of election, and shall hold their office for one year from the first of June, and until their successors are elected and qualified.

Vacancies—how filled

SEC. 3. Whenever a vacancy shall occur in the office of Mayor or Alderman, such vacancy shall be filled by a new election, which shall be ordered and held within twelve days after such vacancy shall occur; any vacancy occurring in any other office, shall be filled by the City Council. Any person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Plurality vote for an election

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes constitute an election; whenever two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the City Council, at such times and in such manner as they may direct.

Who may vote

SEC. 5. All persons entitled to vote for County and State Officers, and who shall have resided in the city for six months, and in the Ward in which he may offer to vote, thirty days next preceding the day of election, shall be entitled to vote for any officer to be elected under this Act, and to hold any office hereby created.

Manner of holding election

SEC. 6. After the first election, the election in said city shall be held and conducted by the Adermen of each Ward, who shall be Inspectors of Elections, and who shall take the oath or affirmation prescribed by the general laws of this State, to be taken by the Judges and Inspectors of Elections. The Inspectors shall have power to appoint a Clerk, and to administer the necessary oaths. The said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the Board of Inspectors thereof, filled as required by the general laws of this State regarding elections.

Return of election

SEC. 7. When an election shall be closed, and the number of votes for each candidate or person voted for, counted and ascertained, the said Inspectors shall make returns thereof, stating the number of votes for each person, for each and every office, and shall deliver, or cause to be delivered, such returns to the City Clerk, who shall within ten days, give notice to each of the persons so elected, of their respective elections.

Special elections

SEC. 8. Special elections to fill vacancies, or for any other purpose, shall be held and conducted in the same manner, and the returns thereof shall be made in the same form and manner as annual elections.

Failure of officer to enter upon duty

SEC. 9. Any officer removing from this city, or any Alderman removing from the Ward for which he was elected, or any officer who shall neglect or refuse, for ten days after notice of his election or appointment, to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the City Council shall proceed

to fill such vacancy, as herein prescribed or provided by ordinance, not in conflict with the provisions hereof.

First election

SEC. 10. The first election for city officers, of the holding of which, the passage of this Act shall be deemed sufficient notice, shall be held on the fourth Wednesday of June next, at which time an election shall be held in each Ward, and the voters of the First Ward shall vote at the house of P. Rourke, those of the Second Ward, at the City Hotel, and those of the Third Ward, at the St. Cloud House, but the City Council may change said places of holding elections to any other convenient place in each Ward respectively.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

Oath of office to be taken

SEC. 1. Every person appointed or elected to any office under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the Clerk of the city; and the Treasurer and Tax Collector, and such other officers as the City Council may direct, shall severally, before entering upon the duties of their respective offices, execute to the city of Hastings, a bond with at least two sureties, to be approved by the City Council, and such bond shall contain such conditions as the City Council may deem proper, and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Bond and sureties

Mayor—his duties

SEC. 2. The Mayor shall, when present, preside over the meetings of the City Council, and take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. The Mayor or any two Aldermen may call special meetings of the City Council. He shall have power to execute all acts that may be required of him by an ordinance made in pursuance of this Act, and is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid him in suppressing the same in carrying into effect any law or ordinance; any person who shall not obey such call, shall forfeit to said city a fine not exceeding twenty-five dollars, and not less than five dollars.

Neglect of duties by Mayor

SEC. 3. In case the Mayor shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction threof, shall pay a fine of not more than five hundred dollars, and the Court shall have power, (upon the recommendation of the jury in the cause,) to add to the judgment for the fine, that he be removed from office.

SEC. 4. In case of the absence of the Mayor from the city, or his inability from any reason to discharge the duties of his office, the Council shall elect, by ballot, from their own number, an officer who shall be styled "Acting Mayor," and all acts performed by him shall have the same force and validity as if performed by the Mayor. Absence of Mayor

SEC. 5 The Clerk shall keep the corporate seal and all the papers and records of the city, and keep a record of all the proceedings of the City Council. He shall draw orders on the Treasurer, in pursuance of any order or resolution of the City Council, and keep a full and accurate account thereof in books provided for that purpose, and make a full and fair record of all the by-laws, rules or ordinances made or passed by said City Council. The Clerk shall have power to administer oaths or affirmation and copies of all papers filed in his office, and transcripts from the records of the City Council, certified to by him under the corporate seal, shall be evidence in all Courts in like manner as if the original were produced. He shall report annually, on or about the first day of June, to the Council, an estimate of the expenses of the city for the current year, and the revenues necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of June. He shall countersign all contracts made in behalf of the city, and all certificates of work done by order of the City Council. He shall negotiate such temporary loans for the city as the City Council shall direct, and such loan shall be subject to the approval of the City Council. He shall examine the reports, books, papers, vouchers and accounts of the Treasurer, and from time to time, shall perform such other duties as the Council shall direct. He shall not be directly or indirectly interested in any contract or job to which the city is a party, or in any loan to be negotiated by the city. Recorder his duties

SEC. 6. The City Council shall have power to elect a City Attorney, Treasurer, Marshal, Tax Collector, Surveyor and Police Justice, and define their duties. Officers to be elected by council

SEC. 7. The City Attorney shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any subject submitted to him by the City Council or its committees; *Provided*, He shall not receive to exceed fifty dollars per year for such services. City Attorney, his duties

SEC. 8. The Treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, and on the first day of June, and quarterly thereafter, he shall exhibit to the City Council a full and detailed account of all the receipts and expenditures after the date of the last quarterly report, and also the state of the treasury, which accounts shall be filed with the Clerk. Treasurer, his duties

SEC. 9. The Marshal shall execute such orders, and perform such duties as are prescribed by the City Council, for the preservation of the public peace, for the good order, Marshal, his duties

cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law, and under the statutes of this State and receive like fees.

City Surveyor, his duties

SEC. 10. The City Surveyor shall hold his office during the pleasure of the City Council, who shall prescribe his duties and fix the fees of compensation for any services performed by him; all surveys, profiles, plans or estimates made by him for the city, shall be the property of the city, and shall be carefully preserved in the office of the Clerk, open to the inspection of parties interested.

City Justice of the Peace

SEC. 11. The Justice of the Peace for the city, shall possess all the authority, power and rights of a Justice of the Peace, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace, but warrants returnable before the said City Justice, may be issued in criminal cases by any Justice of the Peace of said county of Dakota, but no fee shall be received therefor by such Justices. Said Justice shall have exclusive jurisdiction in all cases in which the city is a party. In case of the absence, sickness or other disability of said Justice, or from any sufficient reason, the Mayor, by warrant, may authorize any other Justice of the Peace within the limits of the city, to perform the duties pertaining to the office of said Justice, and the Mayor shall thereupon inform the City Attorney and Marshal of such appointment, and make report thereof to the City Council, and they may confirm or set aside such appointment, or appoint some other person, and the person so appointed, shall, for the time being, and until his appointment is vacated, possess all the authority, powers and rights appertaining to the office of Justice of the Peace for the city, *Provided*, That nothing herein contained shall be deemed or so construed as to deprive the city Justice of the Peace of his jurisdiction.

Quarterly report of Justice

SEC. 12. The Justice of the Peace shall quarterly report or oftener if required, to the City Council, a list of all proceedings instituted before him in behalf of the city, and the dispositions thereof; and shall at the same time account and pay over the amount of all penalties and costs collected, which may by law accrue to the city, and he shall be entitled to receive from the county of Dakota, such fees in criminal cases as are allowed to other Justices of the county for similar services.

City Printer

SEC. 13. The City Council may designate a newspaper printed in the city in which shall be published all ordinances and other proceedings and matters required by this Act, or by the by-laws or ordinances of the City Council to be published in a public newspaper.

SEC. 14 The city printer or printers, immediately after the publication of any notices, ordinance, or resolution,

or other matters which by this Act is, or by city ordinances shall be required to be published, shall file with the Clerk a copy of such publication, which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Further duties of officers to be prescribed by council

SEC. 15. The City Council shall have power, from time to time, to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this Act, and to prescribe their duties and for the compensation of all officers elected or appointed by them. Such compensation shall be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The City Council may at any time fix the compensation of any officer or committee for an incidental service by them performed; *Provided*, No member of the City Council shall receive from the city, for incidental or other expenses, or a salary in any one year, a sum to exceed twenty-five dollars.

Contracts—members of council to have no interest in

SEC. 16. No member of the City Council shall be party to, or interested in any job or contract with the city and any contract in which any member of the City Council may be so interested, shall be null and void.

Failure of officers to deliver up books

SEC. 17. Any person having been an officer in said city, shall, within ten days after notification and request, deliver to his successor in office, all property, books, papers, and effects of every description in his possession belonging to said city, or pertaining to the office he may have held. If he fail so to do, after such notification and request, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successors may recover the possession of such books, papers, and effects in the manner prescribed by the laws of this State, in case of unlawful detention of property.

Peace officers defined

SEC. 18. The Mayor, Sheriff of Dakota county, and each and every Alderman, Justice of the Peace, Marshal, and Constable of the precinct of which said city is a part, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all disorderly behavior within the limits of the city: and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of twenty-five dollars.

CHAPTER IV.

THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

SEC. 1. The Mayor and Aldermen shall constitute the

City council—annual meeting

City Council, and the style of all ordinances shall be: "The Council of the City of Hastings do ordain." The first annual meeting of the City Council shall be on the first Monday of June of each year, and a majority shall constitute a quorum. But the first City Council elected under this Act, shall meet on the first Monday of July, 1858, at seven o'clock, P. M. The City Council shall determine the rules of its proceedings, and be judges of the election and qualification of their own members, and have the power to compel the attendance of absent members.

Powers of the council

SEC. 2. The City Council shall have the control and management of the finances and of all the property of the city, and the City Council shall likewise have full power and autority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the city, and for the suppression of vice, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, and by-laws, and such ordinances, rules, and by-laws are hereby declared to be, and have the full force of law, and for these purposes, shall have authority by ordinances, resolutions, or by-laws; *Provided*, That they be not repugnant to the Constitution and laws of the United States, or of this State.

To grant license

First. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors.

To restrain gambling houses

Second. To restrain and prohibit the use of all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices.

To prevent riots

Third. To prevent any riots, noise, disturbance, disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming, and of all spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind, that may be kept for sale or dealt in contrary to any ordinance of the city.

Health regulations

Fourth. To compel the owner or occupant of any grocery, cellars, tallow chandlers shop, soap factory, tannery, stable, barn, privy, sewer, or any other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, and to provide for the abatement and removal of all nuisances within the limits of the city.

Slaughter houses

Fifth. To direct the location and management of slaughter houses and markets in said city, and to regulate the sale, storage, keeping and conveying of gunpowder or other combustible materials.

Sixth. To prevent the incumbering of streets, sidewalks, lanes or alleys. Streets

Seventh. To prevent immoderate riding or driving in the streets.

Eighth. To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorise the impounding, distraining and sale of the same. Pounds

Ninth. To prohibit the running at large of dogs, to impose fines upon their owners, and to authorise the destruction of the same when at large contrary to the ordinance. Dogs

Tenth. To prevent any person from bringing, depositing, or having within the city, any putrid carcass or other carcass, or other unwholesome substance, and to require the emoval of the same, and on default, to authorise the removal thereof by any competent officer, at the expense of such person or persons. Health

Eleventh. To make and establish public pounds, pumps, water cisterns, and reservoirs, and to provide for the erection of water works, for the supply of water to the inhabitants, to erect lamps or other means whereby to light the city, to regulate and license hacks, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the city. Licenses &c

Twelfth. To prevent damage to sidewalks.

Thirteenth. To prevent the shooting of fire arms, crackers, rockets, or other or any projectiles, and to prevent the exhibition of any fire-works, in any situation which may be deemed by the Council dangerous to the city or any property therein, or annoying any citizens thereof. Firearms

Fourteenth. To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places. Drunkenness

Fifteenth. To license and regulate runners and solicitors for boats, vessels, stages, public houses, railroads, and other establishments, and to regulate the peace of the city. Runners

Sixteenth. To regulate the place and manner of selling, and to provide for the inspection and weight of hay, and stone coal, and measuring of charcoal, firewood and other fuel. Hay. wood &c

Seventeenth. To compel the owner or occupants of building or grounds to remove snow, dirt or rubbish from the side walks, streets or alleys opposite thereto; and in his default, to authorize the removal or obstruction thereof, by some officer of the city, at the expense of such owner or occupant. Sidewalks

Eighteenth. To prevent the introduction of contagious diseases in the city. Contagious diseases

Nineteenth. To regulate the time, place and manner of holding public auctions or vendue. Auctions

Twentieth. To provide a standard of weights and measures. Weights and measures

Twenty-first. To appropriate money and provide for the payment of the debts and expenses of the city. Appropriate money

Widen streets

Twenty-second. To alter, abolish, open, widen, extend, establish, grade, repair or otherwise improve or keep in repair streets, avenues, lanes and alleys.

Night watch

Twenty-third. To establish, regulate and support night watches.

Public buildings and grounds

Twenty-fourth. To provide for the erection of all needful buildings for the use of the city.

Twenty-fifth. To provide for the enclosing, improving and regulating of all public grounds belonging to the city, and for the adorning of the streets thereof, with shade trees.

Census

Twenty-sixth. To provide for taking, from time to time, the enumeration of the inhabitants of the city.

OF FIRES.

Fire Limits

Twenty-seventh. To prescribe the limits within which wooden buildings, or buildings of other materials, that shall not be deemed fire proof, shall not be erected, placed or repaired.

Fires and fire engines

Twenty-eighth. To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers, and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city.

Twenty-ninth. The City Council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded, and their apparatus to be delivered up. Each member of every such company shall be exempt from a poll tax, from serving on juries, and from militia duty, during the continuance of such membership.

Passage of ordinances and their publication

SEC. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the City Council, and be signed by the Mayor and Clerk, and shall be published in the official paper of the city, or posted for ten days in three of the most public places in the city, before the same shall be in force; and within twenty days thereafter, they shall be recorded by the Clerk, in books to be provided for that purpose.

Funds of city, how drawn

SEC. 4. All funds in the city treasury shall be under the control of the City Council, and shall be drawn out upon the order of the Mayor and Clerk, duly authorized by vote of City Council, and all orders shall specify the purpose for which they were drawn. No appropriation shall be made without a majority of a full council voting in favor of it;

urer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the city Council may authorize the the Treasurer to sell the certificate issued therefor for the amount paid therefor, with interest, and to endorse and transfer such certificate to the purchasers thereof.

Omission in assessment, how cured

SEC. 17. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or parcel of land so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omissions occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the city Council shall, in addition to the taxes for the current year, lay such tax upon such lot or tract of land as the same would have been chargeable with had not the same been omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whatsoever hands they may come. Should any tax or assessments upon any lot or parcel of land be set aside or declared void by reason of any defect or informality in the assessing, buying, selling or conveying the same or other matter, but not affecting the equity or justice of the tax itself, the City Council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall direct: *Provided*, That if the defect was in the assessment, the same shall be again assessed at such time as the city Council shall direct;—and the said tax or assessments so reassessed and re-levied shall be and continue a lien upon said tract or lot, and shall be collected as other taxes or assessments are collected under this Act.

Evidence of tax in suits

SEC. 18. All deeds purporting on their face to be executed on account of sales for taxes or assessments under this Act, shall be in all cases *prima facie* evidence of the validity of such tax; and in case the title conveyed by such deed shall come in question, the same shall be *prima facie* evidence of all facts recited in such deeds so far as they affect the force or validity of all title conveyed or purporting to be conveyed by such deeds.

Informality not affect validity of tax

SEC. 19. All the instructions and directions herein given for the assessing of lands and personal property, and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, and not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment nor of the title conveyed, under any sale for taxes under this chapter.

the city, or by posting a notice of the same in three of the most public places in the city, for ten days, that such estimates are on file in his office for the inspection of parties interested.

Contracts to lowest bidder

SEC. 10. All work for the city shall be let by contract to the lowest responsible bidder, and the City Council may require of the bidder a bond with sureties for the faithful performance of the contract. Not less than ten days' notice shall be given of the time and place of letting such contract.

Deep cuttings or fillings

SEC. 11. Whenever the general interest of the city requires a deep cutting or extraordinary filling in any street, and the owners of the lots or parcels of land fronting on such deep cutting or filling, shall represent to the City Council in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the City Council shall appoint three freeholders not interested in said lots or parcels of land, who first being duly sworn, faithfully and impartially to discharge the trust reposed in them, shall examine the premises. If those first appointed, refuse or are incapacitated to serve, the Council shall appoint others in their stead. Upon examination of the premises, if in their opinion the cost of such improvement shall exceed the benefits derived therefrom, it shall be their duty to report to the City Council, and shall specify in such report what portion of the work to be performed shall be chargeable to such lots, and how much or what proportion shall be chargeable to the city funds, and such part or portion as shall be so reported as properly chargeable to the lots or parcels aforesaid, and shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder paid out of the city fund; *Provided*, That no such representation or petition shall be received unless presented within ten days after the first publication of the notices required in Section nine of this Chapter; *And Provided further*, That it shall be the duty of the City Council to appoint such commissioners whenever it shall appear to them that such lands or lots belong to infants or other persons under legal disability, not represented by guardians.

Wharves

SEC. 12. The City Council shall have power to regulate and cause to be constructed, altered and maintained, wharves along the Mississippi River, and shall have and exercise the same control over the said river that they possess by virtue of this Act over the streets and alleys in said city. The expense of constructing, altering, grading, paving and maintaining the same, shall be apportioned by the City Council among, and is hereby made payable by the lots or parcels of land extending to said river, in proportion to the work done opposite to said lot or parcel of land, to be estimated by the surveyor; *Provided, however*, That the own-

ers of such lot shall have the same power of petitioning the City Council as is provided by Section eleven of this Chapter, in regard to grading the streets and alleys, when the same proceeding shall be had, and the work apportioned as therein provided.

Street certificates, how issued

SEC. 13. After the completion and performance of any contract entered into by the City Council for the work chargeable to lots or lands by virtue of this Act, they shall give to the contractor a certificate under the hand of the Mayor and seal of the city, countersigned by the Clerk, stating therein the amount of the work done by such contractors, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate shall be transferrable by endorsement thereon, and shall bear interest at such rate as the Council shall direct; and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed and levied upon the lots or parcels of land respectively, and collected, together with interest up to the time of such collection, such certificate as the shall bear, for the use and benefit of the holder of such certificate, as other taxes on real estate are collected by virtue of this Act; and if the notice to do the work required shall have been given, no informality or error in the proceedings shall vitiate such assessments.

CHAPTER V.

ASSESSING, LEVYING AND COLLECTING TAXES.

Property subject to taxation

SEC. 1. All property, real and personal, within the city, except such as may be exempt by the laws of this State, or by ordinance of this city, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided, but such assessment shall not exceed three cents on the dollar of the real valuation, and all qualified voters shall be liable to a poll tax not exceeding one dollar, in any one year, to be levied by the city council.

Assessors

SEC. 2. The City Council shall annually appoint two persons city assessors, who shall have and possess the same powers that are or may be enforced by the laws of this State upon town or county assessors, except so far as they may be altered by this Act; *Provided*, That the City Council may prescribe the form of the assessment rolls, and may fully define the duties of assessors, and make such rules and regulations, in regard to revising, altering or adding to such rolls, as they may, from time to time, deem it advisable.

SEC. 3. The assessors so appointed, are hereby authorized to administer such oaths as shall be required, and within such time as the City Council shall designate; the said

Oath and duties of Assessors

assessors shall make out a complete and accurate assessment roll, which shall contain a description sufficient to identify the same, of all lands, lots, or parcel of lands within said city, and also of all persons or bodies politic liable to pay taxes, on personal property or capitation tax, and opposite to each parcel or lot of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of the personal property for which such person or body politic be assessed. When there are buildings upon any lot or parcel of land, their value shall be set forth in a separate column. The assessors may assess any lot or tract of land in such parcels or subdivisions as they deem proper, but it shall not be necessary to enter the name of the owner opposite to every tract or parcel of land.

Objections to assessments, how heard

SEC. 4. When the assessment roll shall be completed, the assessors shall give ten days notice thereof in the official paper of the city, or give notice thereof by posting notices in three of the most public places in the city, fixing a time and convenient place, when they will meet for the purpose of hearing any objections of parties declaring themselves aggrieved by such assessment; and after hearing such objections, the assessors may make such alterations or revisions as justice and equity may require; *Provided*, The time of hearing such objections shall not be extended more than five days from the expiration of such notice.

Powers of council over assessment roll

SEC. 5. Within six days after the time limited for hearing such objections, the assessors shall return the said assessment roll to the City Council, and they may confirm or refer the same back to the assessors. The City Council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from and otherwise revise and correct the same.

Filing of the roll

SEC. 6. When the assessment roll shall have been revised and corrected, the same shall be filed with the Clerk, thereupon the said City Council shall, by resolution, levy such sum or sums of money as may be sufficient for the purpose for which taxes are herein authorized to be levied, but not exceeding the authorized limits.

Taxes a lien upon property

SEC. 7. All taxes and assessments, general or special, levied under this Act shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the order confirming the assessment-roll, and upon all personal property of any person or body politic, from the time of delivery of the warrant for the collection to the tax-collector until such tax shall be paid; and no sale or transfer of such real or personal estate after said time shall effect said lien. Any personal property belonging to the taxed, may be taken and sold for the payment of taxes on personal property.

SEC. 8. As soon as the tax shall be levied, the clerk shall

the City Council within the time limited in this order of appointment. Should they fail so to do, they shall receive no compensation for their services, and the City Council shall appoint new Commissioners, which further time the Council may by order grant.

Collection of assessment

SEC. 8. The said assessment shall be collected by the City Collector in the same manner as he is by law empowered to collect taxes upon personal property, and the return of the Collector shall be conclusive evidence of that fact.

Proceeding to take land

SEC. 9. The land required to be taken for the purpose mentioned in this Chapter, shall not be taken until the damages awarded to the owner thereof for the taking of the same shall be paid or tendered the owner or his agent, or deposited for his use with the City Treasurer, in case said owner or his agent are unknown, and the said lands and premises so taken and appropriated shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, or public grounds, heretofore opened or laid out, and the damages so assessed shall be paid or tendered or so deposited within eight months of the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void. The benefits so assessed shall be a lien upon the premises assessed from the confirmation of such report.

SEC. 10. When the whole or part of a tract of land or other premises under lease or contract, shall be taken by virtue of this Act, all the covenants, contracts, and engagements between landlord and tenant, or any other controlling parties respecting the same upon the confirmation of the Commissioners report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the same considerations and payments received, payable and to be paid for in respect to the same, shall be so apportioned the part thereof justly and equitably payable for such residue and no more shall be paid.

Notice to infants &c

SEC. 11. When any known owner of any lands or premises affected by any proceeding under this Act, shall be an infant or labor under any other legal disability, the Judge of Probate of Dakota county shall, upon the application of the person laboring under such disability, his next friend, or the City Council appoint a guardian for such person, upon whom shall be served all notices required by this Act.

Oath of commissioners

SEC. 12. The said Commissioners before entering upon the discharge of their duties, shall severally take an oath and file the same with the Recorder, that they are not at all interested in the premises proposed to be taken, and that they will faithfully discharge the trust reposed in them.

SEC. 13. Any person whose property is taken, or against whom an assessment is made, may within ten days after the return of the said Commissioners to the City Council, appeal

Sale of property for taxes

SEC. 12. On the day and at the place designated in the Collector's notice, he shall commence by public auction the sale of all tracts and lots of lands, or parcel therof upon which the taxes and assessments remain unpaid, and continue the said sale from day to day until the whole of such tracts, lots or parcels of land are disposed of. On receiving the amount of such purchase-money, the Collector shall issue to the purchaser a certificate containing the name of the purchaser, a description of [the] premises sold, the amount paid thereon, the rate of interest said certificate may bear, and the time when the right to redeem shall expire. The Collector shall keep a record of the lots or tracts sold, the name of the purchaser, date and sale, the amount received for taxes and charges respectively, the time when, by whom and for what amount the same was redeemed;—and the City Clerk shall act as clerk at such sale.

Purchase money

SEC. 13. In case any purchaser at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, before ten o'clock on the morning following the day of such sale, the Collector shall immediately offer such tract again for sale, and the person refusing or neglecting to pay for the same by ten o'clock of the day following the day of sale, he shall forfeit and pay to the city five dollars for each lot so purchased, to be sued and collected as other penalties under this Act.

Redemption of property

SEC. 14. Any lot or tract of land so sold may be redeemed by the owner thereof, his agent or attorney, or by any other person having an interest therein, or at any time within one year after the day of sale, by paying to the Collector the amount for which the same was sold, including taxes and charges, together with the interest thereon, at the rate of thirty-six per cent. per annum, and the legal charges and taxes thereon since the time of sale. If the estate of an infant or lunatic be sold, the same may be redeemed upon like terms, within one year after such disability is removed, or at any time before the expiration of such time.

Assignment of tax certificate

SEC. 15. Any such tax certificate shall be assignable by endorsement, and the assignee thereof shall be entitled to receive a deed of the premises in such certificate described, in his own name, and with the same effect as though he had been the original purchaser.

The city may bid off property

SEC. 16. In case at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the Collector shall execute to the city, in its corporate name, a certificate of the sale thereof, specifying the same facts as a certificate issued to other purchasers, and the city shall be vested with the same rights as other purchasers, and which said certificate shall be filed with the City Treasurer. If the city shall become the purchaser of any personal property by virtue of this chapter, the Treas-

urer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the city Council may authorize the the Treasurer to sell the certificate issued therefor for the amount paid therefor, with interest, and to endorse and transfer such certificate to the purchasers thereof.

Omission in assessment, how cured

SEC. 17. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or parcel of land so omitted, for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omissions occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the city Council shall, in addition to the taxes for the current year, lay such tax upon such lot or tract of land as the same would have been chargeable with had not the same been omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whatsoever hands they may come. Should any tax or assessments upon any lot or parcel of land be set aside or declared void by reason of any defect or informality in the assessing, buying, selling or conveying the same or other matter, but not affecting the equity or justice of the tax itself, the City Council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall direct: *Provided*, That if the defect was in the assessment, the same shall be again assessed at such time as the city Council shall direct;—and the said tax or assessments so reassessed and re-levied shall be and continue a lien upon said tract or lot, and shall be collected as other taxes or assessments are collected under this Act.

Evidence of tax in suits

SEC. 18. All deeds purporting on their face to be executed on account of sales for taxes or assessments under this Act, shall be in all cases *prima facie* evidence of the validity of such tax; and in case the title conveyed by such deed shall come in question, the same shall be *prima facie* evidence of all facts recited in such deeds so far as they affect the force or validity of all title conveyed or purporting to be conveyed by such deeds.

Informality not affect validity of tax

SEC. 19. All the instructions and directions herein given for the assessing of lands and personal property, and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, and not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment nor of the title conveyed, under any sale for taxes under this chapter.

Collectors duties

SEC. 20. The Collector shall receive the moneys that may be legally tendered him for the redemption of lands sold for taxes; and he shall keep account thereof, and immediately pay the same over to the City Treasurer, and take his receipt therefor, who shall also keep an account thereof, and the Treasurer shall pay the same over on demand to the person entitled to receive the same. The Treasurer shall cancel all certificates so redeemed and preserve the same in his office, and at the expiration of his term of office he shall deliver to his successor all redemption moneys in his hands, with a statement of the amount so received, and of the amount and to whom paid.

Liens

SEC. 21. In all cases under the provisions of this Act whereby any charge or assessment is made a lien upon the land, the assessment of such charge shall be carried out in a separate column or columns opposite to the lot or tract upon which the same may be a lien, and the Collector may collect and sell and do all other acts thereto, in the same manner as if the amount of such lien was a general tax.

SEC. 22. The Collector shall be allowed the following fees, to wit:

Fees of collector

Such per cent. on all taxes collected as the City Council may allow, not to exceed five per cent.; and in case of distress and sale by him of goods and chattels for the payment of any taxes, he shall be entitled to such fees as sheriffs are allowed by law upon sale under execution.

For each certificate by him issued on the sale of lands for the payment of taxes, twenty cents, to be added to the amount of such tax or assessment and included in such certificate.

For each lot or parcel of land redeemed for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot or parcel embraced in such certificate, to be paid by the person redeeming before he shall be entitled to redeem.

Certificate of tax sale

SEC. 23. Whenever any person shall bid off any lot or parcel of land offered for sale for taxes, which lot shall have been bid off in the name of the city for taxes for any previous year, and shall at the time of such subsequent sale remain the property of the city, such person shall, before being entitled to his certificate of such sale and purchase, purchase of the city its certificate by paying the amount of principal, interest and charges thereon, and receive from the Treasurer an assignment thereof; and if such purchase of the city be not paid and executed before ten o'clock of the day following, the bid therefor shall be considered as null and the land again offered for sale.

SEC. 24. When there shall be a sale by the Register of Deeds of Dakota County or other county officer, and by the city Collector, of any lot or parcel of land, for taxes in the same year, the purchaser of any such lot or parcel who shall be first in point of time may redeem the same from the

to appoint any two of their number to perform the duties of President and Recorder for the time being.

President and Recorder—duties

SEC. 7. The President, and in his absence the Recorder, shall preside at all meetings of the Town Council, and the Recorder shall make a fair and accurate record of all their proceedings and of all the by-laws, rules and ordinances made and passed by the Common Council, and the same shall at all times be open for the inspection of the electors of said town.

Powers of council

SEC. 8. The Town Council shall have [power] to make, ordain and establish by-laws, ordinances, rules and regulations for the government of said town, and the same to alter, amend and repeal at pleasure; to provide for the election or appointment of a Treasurer, Town Marshal, and such other subordinate officers as they may think necessary for the good government and well-being of said town; to prescribe their duties and determine the period of their appointment or election, and the fees they shall be entitled to receive for their services, and to require of them to take an oath of office previous to entering upon the duties of their respective offices, and may require of them a bond with security, conditioned for the faithful performances of their duties while in office. The Town Council shall also have power to fix to the violation of by-laws and ordinances of this corporation, reasonable fines and penalties; *Provided*, That such by-laws and ordinances be consistent with the laws of the United States and of this State; *And Provided also*, that no by-law or ordinances of said corporation shall take effect or be in force until the same shall have been posted at least ten days in one of the most public places in said town, and the certificate of the Recorder entered upon the record of the Town Council, shall be deemed and taken to be sufficient evidence of such publication.

Powers of council

SEC. 9. The Town Council shall, at the expiration of each year, cause to be made out and posted up as aforesaid, the receipts and expenditures of the preceding year.

Improve levees streets &c

SEC. 10. The Town Council shall have power to regulate and improve the levees and streets, and determine the width of sidewalks in said town, to regulate the public grounds, to remove all nuisances and obstructions from the streets and commons of said town; and to do all things which similar corporations have power to do in order to provide for and secure health, cleanliness and good order in said town.

Grant licenses &c

SEC. 11. The Town Council shall have power to grant licenses for the sale of spirituous liquors within the limits of said corporation, to such person or persons, and upon such conditions as they may deem proper. *Provided*, no license be granted by said Council until the person or persons receiving said license or licenses shall first have paid into the treasury of said town the sum of not less than twenty-five dollars. And said Council shall have power to punish

near as may be the premises proposed to be taken, to be published, and in the official paper, for three weeks successively, once at least in each. The publisher of such paper, or his foreman, shall make affidavit of such publication, and deposit the same with the City Clerk.

Public notice to be given

SEC. 2. Such notice shall state [that,] on a certain day therein named, not less than six days from the day of service of such notice, or the expiration of such publication, as the case may be, the City Council will appoint three commissioners to review said premises and determine whether it is necessary to take the same for the purpose specified in said petition;—and at the time specified the said City Council shall proceed and appoint three reputable freeholders, residents of this city but not interested in the result of said petition, and shall enter an order in their proceedings requesting the said commissioners within ten days to view said premises, to be specified in said order, and to make return to the City Council whether in their judgment it is necessary to take said premises for the public use specified in the petition.

Notice to Commissioners

SEC. 3. The said Commissioners, at such time as they may agree upon, within ten days of the time of their appointment, shall proceed to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number, and either of the commissioners shall be authorized to administer the necessary oaths to witnesses.

Damages, how assessed

SEC. 4. Should the Commissioners deem it necessary to take such premises for the public use, they shall determine the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess such damages and benefits, and to return the same to the City Council within the time limited.

Benefits, how balanced

SEC. 5. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the Commissioners shall strike a balance and carry the difference forward to another column, so that the assessment shall show what amount is to be received or paid by such owner or owners, or persons interested respectively, and the difference only shall in case be collected of them or payable to them.

SEC. 6. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment, mortgage or lien, or if there be any estate in it less than estate in fee, the injury done to such person or interest respectively, may be awarded to them by the Commissioners less the benefits resulting to them respectively from the proposed appropriation to the public use.

SEC 7. The award of said Commissioners shall be signed by them, together with the testimony taken, and returned to

SEC. 16. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM. HOLCOMBE,
President of the Senate.

APPROVED--August the seventh one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 7, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXIII.

An Act to incorporate the Town of St. Joseph.

SECTION 1. Boundaries of the town.
2. First election; town government; first Town Council.
3. Manner of holding elections.
4. Town Council created a body corporate.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained in the plat of the Town of St. Joseph, in the County of Stearns, and recorded in the Register of Deeds' office in said county, containing three hundred and twenty (320) acres, be and the same is hereby created a town corporate by the name of St. Joseph, and shall have and enjoy all the powers, privileges and responsibilities usually enjoyed by municipal corporations. Boundaries of the town

SEC. 2. That for the good order and government of said town, it shall be lawful for the qualified voters of said town to meet on the first Wednesday of May next, and at the same time annually thereafter, at such place in said town as the Town Council hereinafter appointed or any three of them may direct, and then and there proceed to elect by ballot one President, one Secretary and three Trustees, qualified voters of said town, who shall hold their offices one year or until their successors shall be elected and qualified; and such President, Secretary and Trustees being so elected and qualified shall constitute the Town Council of said town, any First election--town government and town council

Appeal

from such determination of damages or benefits, to the District Court of Dakota county, where such appeal shall be tried as in ordinary cases of appeal in said Court; the City Council shall have the same right to appeal.

MISCELLANEOUS PROVISIONS.

Actions how to be brought

SEC. 1. All actions brought to recover any penalty or forfeiture under this Act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city.

Incompetence

SEC. 2. No person shall be an incompetent judge, justice or juror, witness or commissioner, by reason of his being an inhabitant of the city in any action or proceeding in which the city shall be a party in interest.

Property exempt from levy

SEC. 3. The following property now or hereafter belonging to the city, shall be exempt from levy sale under or by virtue of any execution, to-wit: all engine houses, hook and ladder houses, and the ground upon which they are situated; all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by the fire company, erected or otherwise by the City Council; school houses [and the furniture thereof,] and the furniture of the City Council and office rooms of the other offices of the city.

Elections

SEC. 4. If any election for city officers for any cause shall not be held in the manner and at the time herein prescribed, it shall not be considered a reason for ousting, suspending, or absolving said corporation, but such election may be held upon any subsequent day, and if any of the duties enjoined by this Act, as the ordinances, by-laws, rules or regulations of the city, to be done by any officer at any specified time, the City Council may appoint another time at which the said acts may be done and performed.

Real Estate

SEC. 5. The city may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants, and the due administration of the government of the city, and may sell and convey the same at pleasure, and the same shall be free from taxation.

General laws

SEC. 6. No general laws of this State contravening the provisions of this Act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Appeals

SEC. 7. Appeals shall be allowed from decisions in all cases arising under the provisions ot this Act, or any ordinances, rules, by-laws, or regulations, passed in pursuance thereof, to the District Court of Dakota county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by Justices of the Peace to the District Court under the general laws of this State.

SEC. 8. All Acts and parts of Acts relative to the incor-

poration of the city of Hastings, are hereby repealed, but the repeal of said Acts shall not affect any act done save in the election of city officers, or right accrued or established, or any proceeding, suit or prosecution, had or commenced previous to the time when such repeal shall take effect, but every such act, right, or proceeding, shall be as valid, and effectual, as if said Acts had remained in force. Repeal of former charter

SEC. 9. This Act is hereby declared to be a public Act, and may be read in evidence in all Courts of law in this State. This Act shall take effect from the passage thereof, but the Legislature may alter or repeal the same at any time. Public act

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-second, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE, *ad interim.*

SECRETARY'S OFFICE, Minnesota, June 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXII.

An Act to Inorporate the town of Minneiska.

SECTION 1. Boundaries of the Town.
2. First election for Town Officers.
3. Term of office and vested rights.
4. Oath of office.
5. Corporate powers of Trustees.
6. Vacancies in Town Council.
7. Duties of the President and Recorder.
8, 9, 10, 11. Powers of Town Council.
12. Authority to levy and assess tax.
13. Taxes, how to collect.
14. Books and papers of officers to be given to successors.
15. Manner of conducting elections.
16. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land in the county of Wabashaw, and State of Minnesota, as has been surveyed, platted and

Boundary

recorded in the office of the Register of Deeds in and for said county, under the name and title of Minneiska be, and the same is hereby created a town corporate by the name of Minneiska.

First election

SEC. 2. That for the good order and government of said town, it shall be lawful for the inhabitants thereof having the qualification of electors of the Legislature of Minnesota to meet at the place of holding the last general election in the Minneiska township, on the third Tuesday of August, A. D. eighteen hundred and fifty-eight, and annually thereafter, at such places as the Town Council may direct, and then and there proceed to ballot for one President, one Recorder and three Trustees, being residents of said town and having the qualifications of electors as aforesaid; and the Judges and Clerk of said first election shall be elected by acclamation by the voters then present.

Vested rights of officers

SEC. 3. The President, Recorder and Trustees elected as aforesaid, shall hold their offices for one year and until their successors are elected and qualified, and shall constitute the Town Council of said town, three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in the said Town Council shall be vested the government of said town, and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns.

Oath of officers

SEC. 4. Each member of said Town Council shall, before entering upon the duties of his office, take an oath or affirmation to support the Constitution of the United States and of this State, and also faithfully to perform the duties of his office.

Corporate powers

SEC. 5. The President, Recorder and Trustees of said town shall be and they are hereby created a body corporate and politic, with perpetual succession, to be known and designated by the name and style of the town of Minneiska; and shall be capable in law by their corporate name aforesaid, to acquire property, real, personal and mixed, for the use of the said town, and may sell and convey the same at pleasure. They may sue and be sued, plead and be impleaded, defend and be defended, in all manner of actions in all Courts of law and equity; and when any suits shall be commenced against said corporation, the first process shall be served by leaving an attested copy thereof with the Recorder, or at his usual place of residence, at least six days previous to the return day of such process.

Vacancies how filled

SEC. 6. The Town Council shall have power to fill all vacancies which may happy in said board, from the qualified voters of said town, by appointment, and the persons so appointed shall hold their offices until the next annual election and until their successors shall be elected and qualified; and in the absence of the President and the Recorder from any meeting of the Town Council, the Trustees shall have power

to appoint any two of their number to perform the duties of President and Recorder for the time being.

President and Recorder—duties

SEC. 7. The President, and in his absence the Recorder, shall preside at all meetings of the Town Council, and the Recorder shall make a fair and accurate record of all their proceedings and of all the by-laws, rules and ordinances made and passed by the Common Council, and the same shall at all times be open for the inspection of the electors of said town.

Powers of council

SEC. 8. The Town Council shall have [power] to make, ordain and establish by-laws, ordinances, rules and regulations for the government of said town, and the same to alter, amend and repeal at pleasure; to provide for the election or appointment of a Treasurer, Town Marshal, and such other subordinate officers as they may think necessary for the good government and well-being of said town; to prescribe their duties and determine the period of their appointment or election, and the fees they shall be entitled to receive for their services, and to require of them to take an oath of office previous to entering upon the duties of their respective offices, and may require of them a bond with security, conditioned for the faithful performances of their duties while in office. The Town Council shall also have power to fix to the violation of by-laws and ordinances of this corporation, reasonable fines and penalties; *Provided*, That such by-laws and ordinances be consistent with the laws of the United States and of this State; *And Provided also*, that no by-law or ordinances of said corporation shall take effect or be in force until the same shall have been posted at least ten days in one of the most public places in said town, and the certificate of the Recorder entered upon the record of the Town Council, shall be deemed and taken to be sufficient evidence of such publication.

Powers of council

SEC. 9. The Town Council shall, at the expiration of each year, cause to be made out and posted up as aforesaid, the receipts and expenditures of the preceding year.

Improve levees streets &c

SEC. 10. The Town Council shall have power to regulate and improve the levees and streets, and determine the width of sidewalks in said town, to regulate the public grounds, to remove all nuisances and obstructions from the streets and commons of said town; and to do all things which similar corporations have power to do in order to provide for and secure health, cleanliness and good order in said town.

Grant licenses &c

SEC. 11. The Town Council shall have power to grant licenses for the sale of spirituous liquors within the limits of said corporation, to such person or persons, and upon such conditions as they may deem proper. *Provided*, no license be granted by said Council until the person or persons receiving said license or licenses shall first have paid into the treasury of said town the sum of not less than twenty-five dollars. And said Council shall have power to punish

by fines and penalties, all persons selling spirituous liquors within said corporation, without first having obtained a license from the Town Council aforesaid.

Levy tax

SEC. 12. For the purpose of more effectually enabling the Town Council to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes on all property within the limits of said corporation, made taxable by the laws of this State, not exceeding in any one year ten mills on the dollar of valuation, as the same may be found on the assessment roll of the county in which said town may be located at the time of assessing said tax.

Manner of collecting

SEC. 13. When any tax is levied according to the provisions of the preceding section, it shall be the duty of the Recorder to make out a duplicate of the taxes, charging each individual owning property in said corporation with the amount assessed on each item of property, as found on the assessment roll of said county, which duplicates shall be certified by the President and Recorder, and a copy thereof placed in the hands of the Marshal or such other person as may be appointed collector, whose duty it shall be to collect said tax, in the same manner and under the same regulations as town, county and State taxes are collected, and shall, immediately after collecting said tax, pay the same over to the Treasurer of said corporation and take his receipt therefor. And the said Marshal or other person appointed collector as aforesaid, shall have the same power to enforce the collection of said taxes, as is or hereafter may be given by the Legislature to the collectors of town, county and State taxes; and he shall receive for his services such sum as the Town Council may direct, not exceeding two per cent. on all moneys by him so collected, which sum shall be paid by the Treasurer on the order of the Recorder.

SEC. 14. The officers of this corporation shall, on demand, deliver to their successors in office, all books and other property in their possession or under their control in anywise pertaining to said corporation.

Manner of conducting elections

SEC. 15. At all elections to be holden under this Act, the Trustees or any two of them shall be judges, and the Recorder, or in his absence, some person to be appointed by the judges, shall be clerk. The polls shall be opened between the hours of nine and ten in the forenoon, and close at four in the afternoon of said day, and at the close of the polls the votes shall be counted by the judges, and a true statement thereof, proclaimed to the voters present by one of the judges, and the clerk shall make a true record of the result of said election, shall give notice to the persons elected of their election. And it shall be the duty of the Town Council, at least ten days before each and every election, to give notice of the same by posting up advertisements in three of the most public places in said town.

SEC. 16. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM. HOLCOMBE,
President of the Senate.

APPROVED--August the seventh one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 7, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXIII.

An Act to incorporate the Town of St. Joseph.

SECTION 1. Boundaries of the town.
2. First election; town government; first Town Council.
3. Manner of holding elections.
4. Town Council created a body corporate.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained in the plat of the Town of St. Joseph, in the County of Stearns, and recorded in the Register of Deeds' office in said county, containing three hundred and twenty (320) acres, be and the same is hereby created a town corporate by the name of St. Joseph, and shall have and enjoy all the powers, privileges and responsibilities usually enjoyed by municipal corporations. Boundaries of the town

SEC. 2. That for the good order and government of said town, it shall be lawful for the qualified voters of said town to meet on the first Wednesday of May next, and at the same time annually thereafter, at such place in said town as the Town Council hereinafter appointed or any three of them may direct, and then and there proceed to elect by ballot one President, one Secretary and three Trustees, qualified voters of said town, who shall hold their offices one year or until their successors shall be elected and qualified; and such President, Secretary and Trustees being so elected and qualified shall constitute the Town Council of said town, any First election--town government and town council

three of whom shall constitute a quorum for the transaction of business pertaining to their duties and for the purposes of entering said town site and acquiring the title thereto. Peter Loso is hereby appointed President; —— Litz, Secretary; John H. Linneman, Martin Fidler, and George Siford, Trustees of said town;—and they shall constitute said Town Council until their successors are elected as herein provided, with all the powers and duties of the same.

Election—manner of holding

SEC. 3. At the first election to be held under this Act, there shall be chosen by the electors present at the time for opening the polls, on the day for holding said first election, two Judges and a Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act; and at all subsequent elections the Trustees, or any two of them, shall act as Judges, and the Secretary, or in his absence some person to be appointed by the Judges, shall be Clerk. The polls shall be opened between the hours of ten and eleven in the forenoon and closed at four in the afternoon of said day, and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the Judges; and the Clerk make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election;—and it shall be the duty of said Town Council, at least ten days before each and every election, to give notice of the same by putting up notices at three of the most public places in said town.

Corporate powers of town council

SEC. 4. The President and Trustees of said town are hereby created a body politic and corporate, with perpetual succession, to be known and designated by the name of the Town of St. Joseph, and shall possess all the rights and be subject to all the liabilities usually belonging to municipal corporations.

SEC. 5. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim*.

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXIV.

An Act to establish the County of Douglas.

SECTION 1. Boundary lines of the proposed County.
2. Appointment of County Commissioners and other County officers.
3. Attached to Fourth Judicial District.
4. Location of County Seat.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much of the State of Minnesota as lies within the following boundaries, be, and the same is hereby established as the County of Douglas. Beginning at the north-east corner of township one hundred and thirty (130), north of range thirty-six (36), west of the fifth principal meridian, thence west to the north-west corner of township one hundred and thirty (130), north of range forty (40), west, thence south between ranges forty (40), and forty-one (41), to the south-west corner of township one hundred and twenty-seven (127), north of range forty (40), west, thence east to the south-east corner of township one hundred and twenty-seven (127), north of range thirty-six (36), west, thence north between ranges thirty-five (35), and thirty-six (36), west, to the place of beginning. Boundaries of the county

SEC. 2. The Governor shall appoint three suitable persons who shall act as the Board of County Commissioners for said county, who shall hold their office until the next general election, or until their successors shall be elected and qualified; and the said Board of Commissioners shall have power to appoint all other county officers, and said Commissioners shall have full power and authority to do and perform all acts and duties devolving upon the Board of County Commissioners of any organized county in this State. County commissioners—term of office—other officers

SEC. 3. The said County of Douglas shall be included in the Fourth Judicial District.

SEC. 4. The County-Seat of said county shall be temporarily located at Alexandria. County seat

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.

RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eight, eighteen hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LXXV.

An Act to locate a State Road from Shakopee to Faribault.

SECTION 1. Appointment of Commissioners to lay out State Road.
2. Time and place of meeting—expense of Road to be paid by counties through which it is located.
3. Copy of the survey to be filed with Register of Deeds.
4. Appointment of substitutes for either of Commissioners named.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SECTION 1. That William Burnham and Daniel Ruttle, of Scott County, and G. B. Dutton, of Rice County, be, and the same are hereby appointed Commissioners to lay out, mark and survey a State Road from Shakopee to Faribault.

Time and place of meeting

SEC. 2. The said Commissioners, or any three of them, or their substitutes duly authorized, shall meet at the house of Wm. Burnham, in Shakopee, on the Second Monday in July, or as soon thereafter as may be practicable, and proceed to survey, mark and lay out said road by the nearest and most feasible route. The expense of laying out and surveying said road, shall be paid by the counties through which said road may pass, and notify the Commissioners of each of said counties of the same.

Survey of road

SEC. 3. The above named Commissioners, shall cause to be deposited in the office of the Register of Deeds of the counties through which said road may pass, a copy of the survey of said road.

Substitutes—how selected

SEC. 4. In the event either of said Commissioners above named, shall be unable to perform the duties assigned him in this Act, he shall have the power to appoint a substitute, and it shall be the duty to notify the other Commissioners of such substitution: *Provided*, That if at the first meeting, mentioned in the second section of this bill, either of the said Commissioners shall fail to appear in person, or by duly authorized substitute, then said appointment shall be declared cancelled, and the Commissioner or Commissioners, or their duly authorized substitute there present, shall have power to select suitable persons to fill such vacancy or vacancies.

SEC. 5. This Act shall take effect on and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eight, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

of him by any ordinance made in pursuance of this Act, and is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out any volunteer companies of the city, to aid him in suppressing the same in carrying into effect any law or ordinance; any person who shall not obey such call, shall forfeit to the city a fine not exceeding twenty-five dollars, and not less than five dollars.

Penalty for improper discharge of duties

SEC. 3. In case the Mayor shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction threof, shall pay a fine of not more than five hundred dollars, and the Court shall have power, (upon the recommendation of the jury in the case,) to add to the judgment for the fine, that he be removed from office.

Absence of Mayor

SEC. 4. In case the Mayor is absent from any meeting of the City Council, they shall proceed to elect of their own number a temporary presiding officer, who for the time being shall discharge all the duties of Mayor.

In case of the absence of the Mayor from the city, or his inability from any reason to discharge the duties of his office, the Council shall elect, by ballot, from their own number, an officer who shall be styled Acting Mayor, and all acts performed by him shall have the same force and validity as if performed by the Mayor.

City Clerk—his duties

SEC. 5 The Recorder shall keep the corporate seal and all the records of the city, and keep a record of all the proceedings of the City Council. He shall draw and countersign all orders on the Treasury, in pursuance of any order or resolution of the City Council, and keep a full and accurate account thereof in a book provided for that purpose, and make a full and fair record of all the by-laws, rules or ordinances made or passed by the City Council. The Recorder shall have power to administer oaths or affirmations, and copies of all papers filed in his office, and transcripts from the records of the City Council, certified to by him under the corporate seal, shall be evidence in all Courts in like manner as if the originals were produced. He shall report annually, on or about the first day of June, to the Council, an estimate of the expenses of the city for the current year, and the revenues necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of June. He shall make or cause to be made estimates of the expense of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work by any officer of the City Council. He shall negotiate, between the first of June and the collection of taxes for the same year, such temporary loans for the city as the City Council may direct, anticipating the revenue for the current year, and such loan shall be subject to the approval of the City Coun-

SECRETARY'S OFFICE, Minnesota, March 18, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LXXVII.

An Act to authorize the county commissioners of Steele county to construct certain Bridges in said county.

SECTION 1. Authority of County Commissioners.
2. When to take effect.

Be it enacted by the Legislature of the state of Minnesota:

Authority of county commissioners

SECTION 1. That the County Commissioners of Steele county are hereby authorized to construct a Bridge across Straight River, at the town of Clinton, in Steele county, and another at the town of Medford, in said county, and levy a tax to defray the expenses of the same.

When to take effect

SEC. 2. This Act to take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.

RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original file on in this office.

CHAS. L. CHASE, Secretary.

SEC. 11 The city printer or printers, immediately after the publication of any notices, ordinance, or resolution, or other matters which by this Act is, or by city ordinance shall be required to be published, shall file with the Recorder a copy of such publication, with his affidavit, or the affidavit of his foreman, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter. Affidavits of publication of city ordinances or orders

SEC. 12. Any person having been an officer of said city, shall, within ten days after notification and request, deliver to his successor in office, all property, books, papers, and effects of every description in his possession belonging to said city, or pertaining to the office he may have held. If he fail to do so, after such notification and request, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers, and effects in the manner prescribed by the laws of this State, in cases of unlawful detention of property. Delivery of papers to successors in office

SEC. 13. No member of the City Council shall be party to, or interested in any job or contract with the city, and any contract in which any member of the City Council may be so interested, shall be null and void. Members of council not to be interested in contracts with city

SEC. 14. The Mayor, Sheriff of Washington county, and each and every Councilman, Justice of the Peace, Marshal, Recorder and Constables of the precinct of which said city is a part, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of twenty-five dollars. Peace officers

SEC. 15. The Justice of the Peace for the city, shall possess all the authority, power and rights of a Justice of the Peace, except he shall in no case entertain any civil proceeding to which the city is not a party, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace, but warrants returnable before the said City Justice, may be issued in criminal cases by any Justice of the Peace of the said county of Washington, but no fee shall be received therefor by such Justices. Said Justice shall have exclusive jurisdiction in all cases in which the city is a party, and he shall have the same power and authority in cases of contempt as other Justices of the Peace; *Provided*, That nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the peace, or affect in any manner the jurisdiction of the District Court of Washington county, or Su- City Justice—his duties

CHAPTER II.

ELECTIONS.

Annual elections

SEC 1. At the annual elections of city officers shall be held on the second Tuesday in May of each year, at such place within the city as the City Council shall designate, and the polls shall be kept open from twelve o'clock at noon, until four o'clock in the afternoon, and ten days previous, notice shall be given by the City Council, of the time and place of holding such elections, and the officers to be elected, by posting notices thereof, in at least three of the most public places in the city, or by publishing the same in at least one of the papers printed in said city.

Elective officers

SEC. 2. The elective officers of the city shall be a Mayor, Recorder, City Justice, and three Councilmen. All other officers necessary for the proper management of the affairs of the city, shall be appointed by the City Council. All elective officers shall hold their respective offices one year, and until their successors are elected and qualified; *Provided, however*, That the City Council shall have power for due cause to expel any of their own members and remove from office at pleasure, any officer or agent under the city government, due notice first being given to the officer complained of.

Vacancies—how filled

SEC. 3. Whenever a vacancy shall occur in the office of Mayor, such vacancy shall be filled by a new election, which shall be ordered and held within twelve days after such vacancy shall occur; any vacancy occurring in any other office, shall be filled by the City Council. The person elected or appointed to fill a vacancy, shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Plurality vote for an election

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election; whenever two or more candidates for an office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots in the presence of the City Council, at such time and in such manner as they may direct.

Who may vote

SEC. 5. All persons entitled to vote for County and State Officers, and who shall have resided in the city for four months next preceding the election, shall be entitled to vote for any officer to be elected under this law, and to hold any office hereby created.

Manner of holding election

SEC. 6. The elections in said city shall be held and conducted by the City Councillors or any two of them, who shall be Inspectors of Elections, and who shall take the oath or affirmation prescribed by the general laws of this State, to be taken by the Judges and Inspectors of Elections, and the Recorder, or in his absence some person to be appointed by the Inspectors shall be Clerk.

Powers of the council

SEC. 2. The City Council shall have the control and management of the finances and of all the property of the city, and the City Council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the city, and for the suppression of vice, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws, and such ordinances, rules, and by-laws are hereby declared to be, and have the full force of law, and for these purposes, shall have authority by ordinance, resolutions, or by-laws; *Provided*, That they be not repugnant to the Constitution and laws of the United States, or of this State.

To grant licenses

First. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law, or under this Act, and to grant licenses, and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors; *Provided*, That the license for so dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors, shall be at least one hundred dollars a year, and as much higher as the Council shall direct, and that no licence shall be granted for a less term than one year.

To restrain gambling and tippling houses

Second. To restrain or prohibit all E. O. or rolette tables, faro or pharo banks, and all gaming with cards, and all gambling tables, and to prohibit the use of all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices, and playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain and prohibit any person from vending, giving, or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors of any kind, and impose such restrictions, or prohibiting by fine or imprisonment, or by both fine and imprisonment.

To prevent riots &c

Third. To prevent any riots, noise, disturbance, disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming, and of all spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind, that may be kept for sale or dealt in contrary to any ordinance of the city.

To make health regulations

Fourth. To compel the owner or occupant of any grocery, cellars, tallow chandlers shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, from

returns shall be made in the same manner as prescribed b law for making returns of the election of county officers.

Special elections

SEC. 9. Special elections to fill vacancies, or for any othe purpose, shall be held and conducted by the Councilmen i the same manner, and the returns thereof shall be made in th same form and manner as in general or annual elections, an within such time as may be prescribed by ordinance.

Vacation of office

SEC. 10. Any officer removing from this city, or an officer who shall neglect or refuse, for ten days after notic of his election or appointment, to qualify and enter upon the duties of his office, shall be deemed to have vacate his office, and the City Council may proceed to fill such vacancy, as herein prescribed or provided by ordinance, not in conflict with the provisions hereof.

Failure to elect —new election

SEC. 11. Should there be a failure by the people to elect any officer herein required to be elected on the day designated, the City Council may order a new election to be held, ten days notice of the time and place of holding the same to be given as in general elections.

CHAPTER III.

OFFICERS.

Oath of office for city officers

SEC. 1. Every person appointed or elected to any office under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the Recorder of the city; and the Treasurer and Marshal, and such other officers as the City Council may direct, shall severally, before entering upon the duties of their respective offices, ex ecute to the city of Marine, a bond with at least two sure ties, to be approved by the City Council, and such bond shall contain such conditions as the City Council may deem proper and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglect ing to give the same.

Duties of the Mayor

SEC. 2. The Mayor shall, when present, preside over the meetings of the City Council, and take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers the city discharge their respective duties. The Mayor any two Councilmen may call special meetings of the C Council. He shall inspect the conduct of all subordina officers, and cause negligence and persistant violations duty to be prosecuted and punished, and may require of a officer of the city, whenever he may deem it necessary, exhibit of his books and papers. He shall from time to ti communicate to the City Council, and recommend su measures as he may deem advantageous to the city. shall have power to execute all acts that may be requir

intoxicating beverages, brawling and obscenity in the streets or public places, and to provide for arresting, removing and punishing any person who may be guilty of the same. Drinking and obscenity

Seventeenth. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses, railroads, and other establishments, and to regulate the police of the city. Runners

Eighteenth. To establish public markets and enforce rules, and regulations for the government of the same. Markets

Nineteenth. To regulate the place and manner of selling, and to provide for the inspection and weight of hay, and stone coal, and measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same. Measuring hay and coal

Twentieth. To compel the owner or occupants of buildings or grounds to remove snow, dirt or rubbish from the side walks, streets or alleys opposite thereto; and in his default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant. Rubbish from streets

Twenty-first. To regulate the construction of wharves, or grading of such wharves into the St. Croix River, within the corporate limits of the city, and to prescribe and control the prices of wharfage thereon. Wharves

Twenty-second. To regulate, by law, ferries within the city limits, and provide for licensing the same. Ferries

Twenty-third. To regulate, control and prevent the landing of persons from boats or vessels wherein are contageous or infective diseases or disorders, and make such other regulations as they shall deem proper to prevent the introduction of contageous diseases into the city. Sanitary regulations

Twenty-fourth. To regulate the time, place and manner of holding public auctions or vendues. Auctions

Twenty-fifth. To provide by ordinance for a standard of weights and measures, and for punishment for the use of false weights and measures. Weights and measures

Twenty-sixth. To appropriate money and provide for the payment of the debts and expenses of the city. City expenses

Twenty-seventh. To alter, abolish, open, widen, extend, establish, grade, repair or otherwise improve or keep in repair streets, avenues, lanes and alleys. Grades of streets

Twenty-eighth. To establish, regulate and support night watches. Watch

Twenty-ninth. To provide for the erection of all needful buildings for the use of the city. City buildings

Thirtieth. To provide for the enclosing, improving and regulating of all public grounds belonging to the city, and for the adorning of the streets thereof, with shade trees. Public grounds

Thirty-first. To regulate and tax merchants, retailers, taverns, groceries, ordinaries, hawkers, pawn brokers, and money changers. Tax on merchants

Thirty-second To license and regulate porters and fix the price of porterage. License to regulate porters

Inspector of flour &c

Thirty-third. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, lard, butter and other provisions.

Thirty-fourth. To regulate and order parapet walls and other partition fences.

Thirty-fifth. To provide for taking, from time to time, the enumeration of the inhabitants of the city.

OF FIRES.

Fire limits

Thirty-sixth. To prescribe the limits within which wooden buildings, or buildings of other materials, that shall not be deemed fire proof, shall not be erected, placed or repaired, and to direct that all or any buildings within such limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing and re-building of wooden buildings within such limits when the same shall have been damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damage.

Fire regulations

Thirty-seventh. To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers, and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure position, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city limits.

Fire engines & apparatus

Thirty-eighth. The City Council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded, and their apparatus to be delivered up. Each company shall not have to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of every such company shall be exempt from poll tax, from serving on juries, and from military duty, during the continuance of such membership.

Passage of ordinances—public notice thereof

SEC. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the City Council, and be signed by the Mayor, and shall be published in the official paper of the city, or posted for ten days in three of the most public places in the city, before the same shall be in force, and within twenty days thereafter, they shall be recorded by the Recorder, in books provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the posting of the same or the publication thereof, as aforesaid, respectively, shall be proved by the affidavit of the foreman

Affidavits of publication of city ordinances or orders

SEC. 11 The city printer or printers, immediately after the publication of any notices, ordinance, or resolution, or other matters which by this Act is, or by city ordinance shall be required to be published, shall file with the Recorder a copy of such publication, with his affidavit, or the affidavit of his foreman, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Delivery of papers to successors in office

SEC. 12. Any person having been an officer of said city, shall, within ten days after notification and request, deliver to his successor in office, all property, books, papers, and effects of every description in his possession belonging to said city, or pertaining to the office he may have held. If he fail to do so, after such notification and request, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers, and effects in the manner prescribed by the laws of this State, in cases of unlawful detention of property.

Members of council not to be interested in contracts with city

SEC. 13. No member of the City Council shall be party to, or interested in any job or contract with the city, and any contract in which any member of the City Council may be so interested, shall be null and void.

Peace officers

SEC. 14. The Mayor, Sheriff of Washington county, and each and every Councilman, Justice of the Peace, Marshal, Recorder and Constables of the precinct of which said city is a part, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of twenty-five dollars.

City Justice—his duties

SEC. 15. The Justice of the Peace for the city, shall possess all the authority, power and rights of a Justice of the Peace, except he shall in no case entertain any civil proceeding to which the city is not a party, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace, but warrants returnable before the said City Justice, may be issued in criminal cases by any Justice of the Peace of the said county of Washington, but no fee shall be received therefor by such Justices. Said Justice shall have exclusive jurisdiction in all cases in which the city is a party, and he shall have the same power and authority in cases of contempt as other Justices of the Peace; *Provided*, That nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the peace, or affect in any manner the jurisdiction of the District Court of Washington county, or Su-

preme Court of the State. In case of the absence, sickness or other disability of said Justice, or for any sufficient reason, the Mayor, by warrant, may authorize any other Justice of the Peace within the limits of the city, to perform the duties pertaining to the office of said Justice, and the Mayor shall thereupon inform the City Attorney and Marshal of such appointment, and make report thereof to the City Council, and they may confirm or set aside such appointment, or appoint some other Justice of the Peace, and the Justice so appointed, shall, for the time being, and until his appointment is vacated, possess all the authority, powers and rights appertaining to the office of Justice of the Peace for the city, *Provided*, That nothing herein contained shall be deemed or so construed as to oust the city Justice of the Peace of his jurisdiction, but the Justice so appointed, until his appointment is vacated, shall have concurrent jurisdiction with the City Justice, and shall receive like fees for his services, as said Justice of the Peace for the city.

Justice to make report to council

SEC. 16. The Justice of the Peace shall quarterly report to the City Council, a list of all the proceedings instituted before him in behalf of the city, and the disposition thereof; and shall at the same time account and pay over the amount of all penalties and costs collected, which may by law accrue to the city, and shall be entitled to receive from the county of Washington such fees in crimimal cases as are allowed to other Justices of the county for similar services.

City Surveyor

SEC. 17. There shall be annually appointed by the City Council, a City Surveyor, who shall hold his office for one year and until his successor be appointed and qualified, and the City Council shall prescribe his duties and fix the fees of compensation for any services performed by him; all surveys, [profiles,] plats or other estimates made by him for the city, shall be the property of the city, and carefully preserved in the office of the Recorder, open to the inspection of the parties interested.

CHAPTER IV

THE CITY COUNCIL—ITS GENERAL POWERS AND DUTIES.

Who are the city council

SEC. 1. The Mayor and Councilmen shall constitute the City Council, and the style of all ordinances shall be: "The City Council of the City of Marine do ordain." The City Council shall meet at such time and place as they shall direct, and a majority shall constitute a quorum. But the first City Council elected under this Act, shall meet at the District School House, on the first Monday in June at seven o'clock, P. M. The City Council shall determine the rules of its proceedings, and be judges of the election and qualification of their own members, and have power to compel the attendance of absent members.

Powers of the council

SEC. 2. The City Council shall have the control and management of the finances and of all the property of the city, and the City Council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the city, and for the suppression of vice, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, by-laws, and such ordinances, rules, and by-laws are hereby declared to be, and have the full force of law, and for these purposes, shall have authority by ordinance, resolutions, or by-laws; *Provided*, That they be not repugnant to the Constitution and laws of the United States, or of this State.

To grant licenses

First. To license and regulate the exhibition of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, and to provide for the abatement and removal of all nuisances under the ordinances or at common law, or under this Act, and to grant licenses, and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors; *Provided*, That the license for so dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors, shall be at least one hundred dollars a year, and as much higher as the Council shall direct, and that no licence shall be granted for a less term than one year.

To restrain gambling and tippling houses

Second. To restrain or prohibit all E. O. or rolette tables, faro or pharo banks, and all gaming with cards, and all gambling tables, and to prohibit the use of all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices, and playing of cards, dice or other games of chance, for the purpose of gaming in said city, and to restrain and prohibit any person from vending, giving, or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors of any kind, and impose such restrictions, or prohibiting by fine or imprisonment, or by both fine and imprisonment.

To prevent riots, &c

Third. To prevent any riots, noise, disturbance, disorderly assemblages, suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming, and of all spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind, that may be kept for sale or dealt in contrary to any ordinance of the city.

To make health regulations

Fourth. To compel the owner or occupant of any grocery, cellars, tallow chandlers shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, from

time to time as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the city.

To locate slaughter houses &c

Fifth. To direct the location and management of slaughter houses and markets in said city, and to regulate the sale, storage, keeping and conveying of gunpowder or other combustible materials.

Streets

Sixth. To prevent the incumbering of streets, sidewalks, lanes or alleys with carriages, carts, wagons, sleighs, boxes, firewood, lumber or any other material or substance whatever.

Horse-racing

Seventh. To prevent horse racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the water within the limits of the city.

Public grounds

Eighth. To restrain the running at large of cattle, mules, swine, sheep, poultry and geese, and to authorise the impounding, distraining and sale of the same.

Dogs

Ninth. To prohibit the running at large of dogs, to impose fines on their owners, and to authorise the destruction of dogs when at large contrary to the ordinances.

To make health regulations

Tenth. To prevent any person from bringing, depositing, or having within the city, any putrid carcass or other unwholesome substance, and to require the removal of the same, by any person who shall have the same upon his premises, or from any street, lane or alley, if he shall have thrown or put the same in any street, lane or alley, and on default, to authorise the removal thereof by any competent officer, at the expense of such person or persons.

Public works and licenses

Eleventh. To make and establish public [pounds,] grounds, pumps, wells, cisterns, and reservoirs, and to provide for the erection of water works, for the supply of water to the inhabitants, to erect lamps or other means whereby to light the city, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the city.

Burial grounds &c

Twelfth. To establish and regulate boards of health, provide hospital and cemetery grounds, regulate the burial of the dead, and the returns of mortality, and to exempt burial grounds set apart for public use from taxation.

Weight of bread

Thirteenth. To regulate the assize and weight of bread, and to provide for the seizure and forfeiture of bread baked contrary thereto.

Side walks

Fourteenth. To prevent all persons from riding or driving any ox, cow, horse, mule, or other animal on the sidewalks of the city, or in any way doing damage to such sidewalks.

Fire arms

Fifteenth. To prevent the shooting of fire-arms, crackers, rockets, or other projectiles, and to prevent the exhibition of any fire-works in any situation which may be deemed by the Council dangerous to the city or any property therein, or annoying to any citizen thereof.

Sixteenth. To restrain drunkards, immoderate drinking of

intoxicating beverages, brawling and obscenity in the streets or public places, and to provide for arresting, removing and punishing any person who may be guilty of the same. Drinking and obscenity

Seventeenth. To restrain and regulate runners and solicitors for boats, vessels, stages, public houses, railroads, and other establishments, and to regulate the police of the city. Runners

Eighteenth. To establish public markets and enforce rules and regulations for the government of the same. Markets

Nineteenth. To regulate the place and manner of selling, and to provide for the inspection and weight of hay, and stone coal, and measuring of charcoal, firewood and other fuel, and to appoint suitable persons to inspect, superintend and conduct the same. Measuring hay and coal

Twentieth. To compel the owner or occupants of buildings or grounds to remove snow, dirt or rubbish from the side walks, streets or alleys opposite thereto; and in his default, to authorize the removal or destruction thereof, by some officer of the city, at the expense of such owner or occupant. Rubbish from streets

Twenty-first. To regulate the construction of wharves, or grading of such wharves into the St. Croix River, within the corporate limits of the city, and to prescribe and control the prices of wharfage thereon. Wharves

Twenty-second. To regulate, by law, ferries within the city limits, and provide for licensing the same. Ferries

Twenty-third. To regulate, control and prevent the landing of persons from boats or vessels wherein are contageous or infective diseases or disorders, and make such other regulations as they shall deem proper to prevent the introduction of contageous diseases into the city. Sanitary regulations

Twenty-fourth. To regulate the time, place and manner of holding public auctions or vendues. Auctions

Twenty-fifth. To provide by ordinance for a standard of weights and measures, and for punishment for the use of false weights and measures. Weights and measures

Twenty-sixth. To appropriate money and provide for the payment of the debts and expenses of the city. City expenses

Twenty-seventh. To alter, abolish, open, widen, extend, establish, grade, repair or otherwise improve or keep in repair streets, avenues, lanes and alleys. Grades of streets

Twenty-eighth. To establish, regulate and support night watches. Watch

Twenty-ninth. To provide for the erection of all needful buildings for the use of the city. City buildings

Thirtieth. To provide for the enclosing, improving and regulating of all public grounds belonging to the city, and for the adorning of the streets thereof, with shade trees. Public grounds

Thirty-first. To regulate and tax merchants, retailers, taverns, groceries, ordinaries, hawkers, pawn brokers, and money changers. Tax on merchants

Thirty-second To license and regulate porters and fix the price of porterage. License to regulate porters

Inspector of flour &c

Thirty-third. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, lard, butter and other provisions.

Thirty-fourth. To regulate and order parapet walls and other partition fences.

Thirty-fifth. To provide for taking, from time to time, the enumeration of the inhabitants of the city.

OF FIRES.

Fire limits

Thirty-sixth. To prescribe the limits within which wooden buildings, or buildings of other materials, that shall not be deemed fire proof, shall not be erected, placed or repaired, and to direct that all or any buildings within such limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing and re-building of wooden buildings within such limits when the same shall have been damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damage.

Fire regulations

Thirty-seventh. To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers, and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure position, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city limits.

Fire engines & apparatus

Thirty-eighth. The City Council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded, and their apparatus to be delivered up. Each company shall not have to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of every such company shall be exempt from poll tax, from serving on juries, and from military duty, during the continuance of such membership.

Passage of ordinances—public notice thereof

SEC. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the City Council, and be signed by the Mayor, and shall be published in the official paper of the city, or posted for ten days in three of the most public places in the city, before the same shall be in force, and within twenty days thereafter, they shall be recorded by the Recorder, in books provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the posting of the same or the publication thereof, as aforesaid, respectively, shall be proved by the affidavit of the foreman

or publisher of such newspaper, or the certificate of the Recorder of such posting, and the said affidavit or certificate shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of the time, manner and place of such publication or posting. No appropriation shall be made without a majority of the City Council in favor of it, and the vote shall be taken by ayes and noes, and entered among the proceedings of the council.

Prosecutions or proceedings in courts

SEC. 4. The powers conferred upon the City Council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the Courts according to law. Houses or buildings of any kind wherein more than twenty-five pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill fame, disorderly taverns, and beer shops, or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away, or dealt in without the license required therefor, within the limits of the city, are hereby declared and shall be deemed public or common nuisances.

Accounts of city officers

SEC. 5. The Common [City] Council shall examine and adjust the accounts of the Treasurer, Marshal, Recorder, and all other officers and agents of the city, at such times as they may deem proper, and at the end of each year and before the time for which such officers were appointed or elected shall have expired, and the Council shall require each and every such officer or agent to exhibit his books, accounts, and vouchers for such examination and settlement, if any such public officer or agent shall refuse to comply with the order of said Council in discharge of their duties, in pursuance of this section, the Council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts or in the discharge of his official duties. The Council shall make full record of all such settlements and adjustments.

Making and repairing streets &c

SEC. 6. The City Council shall have power to order and contract for making, grading, repairing, cleansing, improving and adorning of streets, lanes, alleys, public grounds, reservoirs, gutters, sewers, and wharves within the city.

SEC. 7. Whenever the City Council shall deem it necessary to construct or repair any side walk within the city, they shall direct the owner or occupants of any lots adjoining such side walk, to make or repair the same, at his or their own proper cost and charge, and in such a manner and within such time as in such direction specified. If such work is not done in the manner, and within the time prescribed, the City Council shall cause the same to be done at the expense of the lots adjoining such sidewalks.

SEC. 8. The cost and expenses of surveying streets, lanes, alleys, sidewalks, sewers, public ground and reservoirs, and

Costs and expenses of surveying and making streets &c

estimating work thereon, and of cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, shall be paid out of the city funds; [but the expense of] opening, grading, graveling, planking or paving streets and alleys, and to the centre thereof, shall be chargeable to and payable by lots fronting on such streets or alleys. Sewers may be ordered by the City Council, to be built at the expense of the lots or parcels of land to be benefited thereby, and which shall be apportioned by said City Council among said lots or parcels of land.

Street improvements how to be paid

SEC. 9. Whenever the City Council shall determine to make any public improvements as authorized by Sections six, seven and eight of this Chapter, they shall cause to be made an estimate of the whole expense thereof, and the proportion to be assessed and charged to each lot, and in the case of grading streets, alleys and side walks, of the number of cubic yards to be filled in or excavated in front of each lot, and such estimate shall be filed in the office of the City Recorder for the inspection of parties interested. The City Council shall give notice by advertisement for two weeks in the official papers to the owner or occupants of the lots or parcels of land fronting on any street, alley or sidewalk ordered to be graded, graveled, planked, or paved, requiring them to do the work mentioned in such notices, within a reasonable time, therein to be specified, and if said work be not done within said time, the City Council shall enter into contract for the doing thereof.

Estimate of the work to be made and charged to each lot

Remonstrance of lot owners—proceedings thereon

SEC. 10. Whenever the general interest of the city requires a deep cutting or extraordinary filling in any street, and the owners of the lots or parcels of land fronting on such deep cutting or filling, shall deem themselves aggrieved thereby, and shall represent to the City Council in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the City Council shall appoint five free-holders not interested in said lots or parcels of land, who first being duly sworn, faithfully and impartially to discharge the trust reposed in them, shall examine the premises. If those first appointed, refuse or are incapacitated to serve, the Council shall appoint others in their stead. Upon examination of the premises, if in their opinion the cost of such improvement shall exceed the benefits to be derived therefrom, it shall be their duty to report to the City Council, and shall specify in such report what portion of the work to be performed shall be chargeable to such lots, and how much or what proportion shall be chargeable to the city funds, and such part or portion as shall be so reported as properly chargeable to the lots or parcels aforesaid, shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder paid out of the city fund; *Provided*, That such representation or petition

lect or refuse to pay the amount for which any lot or tract was sold, before ten o'clock in the morning following the day of such sale, the Marshal shall immediately offer such tract again for sale, and the person bidding off at such sale, any tract or lot of land, and refusing or neglecting to pay for the same by ten o'clock of the day following the day of sale, shall forfeit and pay to the city five dollars for each lot so purchased, and refused, or neglected to be paid for, to be sued for and collected as other penalties under this Act.

Redemption of property sold

SEC. 14. Any lot or tract of land so sold may be redeemed by the owner thereof, his agent or attorney, or by any other person having an interest therein, at any time within three years after the day of sale, by paying to the Marshal, the amount for which the same was sold, including taxes and charges, together with the interest thereon, at the rate of twenty-five per cent. per annum, and the legal charges and taxes thereon since the time of sale. If the estate of an infant or lunatic be sold, the same may be redeemed upon like terms, within one year after such disability is removed, or at any time before the expiration of such time.

Redemption to be with'n 3 years

SEC. 15. Any tract or parcel of land sold in pursuance of this Act, or any part thereof which shall not be redeemed within three years from the day of sale, shall be conveyed to the purchaser, his heirs and assigns, as herein provided.

Tax certificate assignable

SEC. 16. Any such tax certificate shall be assignable by endorsement, and the assignee thereof shall be entitled to receive a deed of the premises in such certificate described, in his own name, and with the same effect as though he had been the original purchaser.

City to bid in property if no other bid is offered

SEC. 17. In case at any sale of real or personal estate for taxes and assessments, no bid shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the Marshal shall execute to the city, in its corporate name, a certificate of the sale thereof, specifying the same facts as a certificate issued to other purchasers, and the city shall be vested with the same rights as other purchasers, and which said certificate shall be filed with the City Treasurer. If the city shall become the purchaser of any personal property by virtue of this Chapter, the Treasurer shall have the power to sell the same at public sale; and in case the city shall become the purchaser of any real estate at any tax sale, the City Council may authorize the the Treasurer to sell the certificate issued therefor for the amount paid therefor, with interest, and to endorse and transfer such certificate to the purchasers thereof.

Omission of assessment how remedied

SEC. 18. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the two preceding years, and that the same was then liable to axation, they shall, in addition to the assessment for that year, assess upon the lot or parcel of land so omitted, for such year or years that it shall have been so omitted,

within twenty days after the publication of the notice required to be given, and until the expiration of twenty days no such order shall be given.

CHAPTER V.

ASSESSING, LEVYING AND COLLECTING TAXES.

Property subject to taxation

SEC. 1. All property, real and personal, within the city, except such as may be exempt by the laws of this State, or by ordinances of this city, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided, but such assessment shall not exceed four mills on the dollar of real valuation, and all qualified voters shall be liable to a poll tax not exceeding one dollar, in any one year, to be levied by the city council.

Appointment of assessors

SEC. 2. The City Council shall annually before the first Monday in March of each year, appoint two persons city assessors, who shall have and possess the same powers that are or may be enforced by the laws of this State upon township and county assessors, except so far as they may be altered by this Act; *Provided*, That the City Council may prescribe the form of the assessment rolls, and may fully define the duties of assessors, and make such rules and regulations, in regard to revising, altering or adding to such rolls, as they may, from time to time, deem it advisable.

Oath and duties of assessors

SEC. 3. The assessors so appointed, are hereby authorized to administer such oath as shall be required by this Chapter, and within fifteen days after their appointment; the said assessors shall make out a complete and accurate assessment roll, which shall contain a description sufficient to identify the sum of all the lands, lots, or parcel of lands within said city, and also of all persons or bodies politic liable to pay taxes, on personal property or capitation tax, and opposite to each parcel or lot of land shall be affixed the value thereof, and opposite the name of each person or body politic shall be affixed the value of the personal property for which such person or body politic shall be assessed. When there are buildings upon any lot or parcel of land, their value shall be set forth in a another column. The assessors may assess any lot or tract of land in such parcels or subdivisions as they deem proper, but it shall not be necessary to enter the name of the owner opposite to every tract or parcel of land.

Objections to assessments how made

SEC. 4. When the assessment roll shall be completed, the assessors shall fix a time and place, when they will meet for the purpose of hearing any objections of parties deeming themselves aggrieved by such assessment; and give one weeeks notice thereof, in the official paper, or give notice thereof, by posting notices in three of themost public places

SEC. 22. In all cases under the provisions of this Act whereby any charge or assessment is made a lien upon the land, the amount of such charge or assessment shall be carried out in a separate column or columns opposite to the lot or tract upon which the same may be a lien, and the Marshal may collect and sell, and do all other acts thereto in the same manner as if the amount of such lien was a general tax. License upon property

SEC. 23. The Marshal, in addition to such sum as the City Council may allow him, shall be allowed the following fees, to wit: Fees for collecting taxes

Six per cent. on all sums collected on personal tax of each person taxed; and in case of distress and sale by him of goods and chattels for the payment of any taxes, he shall be entitled to such fees as sheriffs are allowed by law for the sale of goods under execution.

For each certificate by him issued on the sale of lands for the payment of taxes, fifteen cents, to be added to the amount of such tax or assessment and included in such certificate.

For each lot or parcel of land redeemed for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot or parcel embodied in such certificate, to be paid by the person redeeming before he shall be entitled to redeem.

SEC. 24. Whenever any person shall bid off any lot or parcel of land offered for sale for taxes, which lot shall have been bid off in the name of the city for taxes for any previous year, and shall at the time of such subsequent sale remain the property of the city, such person shall, before being entitled to his certificate of such sale and purchase, purchase of the city its certificate by paying the amount of principal, interest and charges thereon, and receive from the Treasurer an assignment thereof; and if such purchase of the city be not made and executed before ten o'clock of the day following, the bid therefor shall be considered as null and the land again offered for sale. Tax sales how made

SEC. 25. When there shall be a sale by the Register of Deeds of Washington County or other county officer, and by the city Marshal, of any lot or parcel of land, for taxes in the same year, the purchaser of any such lot or parcel who shall be first in point of time may redeem the same from the subsequent purchaser; and in case he should not redeem, the right of the last purchaser shall be held paramount if he obtains a deed therefor. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make an entry in the sale-book of thecharacter in which such person may have so redeemed, and the person so redeeming shall be substituted to all the rights of the holder of the certificate so redeemed as aforesaid. Redemption of property sold for taxes

SEC. 26. No person shall be permitted to institute any proceedings to set aside assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set Suits to set aside tax sales

list; and the said tax-list, when so certified, shall be *prima facie* evidence in any Court that the land or persons therein named were subject to taxation, and that the assessment was just and equal.

Collection of the tax by the Marshal

SEC. 10. On the receipt thereof, the Marshal shall give one week's notice thereof in the official paper, or shall give ten days' notice thereof by posting up notices in three of the most public places in said city. Such notices shall specify that taxes on personal property shall be paid thirty days from the first publication of such notice, or from the first day of posting the same, and taxes and assessments on real estate before the first day of August following, or the last day of December following; that if such taxes are not paid till after the first day of August, interest will be charged at the rate of two per cent. a month, after said first day of August, upon all unpaid taxes, and if paid before said first day of August no interest will be charged, and that all taxes or assessment specified in said tax-list, upon which said taxes or assessments shall not be paid by the last day of December, will be sold at a certain time and place to be therein specified, for the payment of such taxes and assessments;—and the publication or posting of such notice or notices shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified shall be deemed a refusal to pay the same.

Sale of personal property for tax

SEC. 11. At the expiration of thirty days mentioned in the preceeding Section, the Marshal shall proceed to enforce the collection of the taxes on personal property, in the same manner prescribed in Chapter twelve of the Revised Statutes of the Territory of Minnesota; and if any such personal tax shall not be paid or collected in consequence of the neglect or delay of the Marshal, the City Council may sue and recover the amount thereof from said Marshal and his sureties.

Sale of real estate for taxes

SEC. 12. On the day and at the place designated in the Marshal's notice, he shall commence, by public auction, the sale of all tracts and lots of lands, or parcels thereof upon which the taxes or assessments shall remain unpaid, and continue the said sale from day to day until the whole of said tracts, lots or parcels of land are disposed of. On receiving the amount of such purchase-money, the Marshal shall issue to the purchaser a certificate containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem shall expire. The Marshal shall keep a record of the lots or tracts sold, the name of the purchaser, the date of sale, and the amount received for taxes and charges respectively, the time when, by whom and for what amount the same was redeemed, and the time and to whom the same was conveyed, if not redeemed, and the Recorder shall act as clerk at such sale.

SEC. 13. In case any purchaser at such tax sale shall neg-

shall proceed and appoint three reputable freeholders, residents of the city but not interested in the result of said petition, and shall enter an order in their proceedings requesting the said commissioners within thirty days to view said premises, to be specified in said order, and to make return to the City Council whether in their judgment it is necessary to take said premises for the public use for the purposes specified in said petition.

Notice to commissioners

SEC. 3. The Recorder shall, within three days, notify the said commissioners of their appointment, embracing therein a copy of such order; and if any of said commissioners shall be disqualified from acting, or shall at any time refuse to act, the City Council shall appoint others in their places, whom the Recorder shall likewise notify, and a memorandum of such substitution shall be endorsed on the notice.

Duty of commissioners

SEC. 4. The said Commissioners, at such time as they may agree upon, within thirty days of the time of their appointment, shall proceed to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number, and either of the commissioners shall be authorized to administer the necessary oaths to witnesses.

SEC. 5. After viewing the premises and hearing such testimony as may be offered, the Commissioners shall make a report of their proceeding to the City Council, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use: which said notice, report and testimony shall be returned to the City Council within the said thirty days.

SEC. 6. Should the Commissioners report that it is necessary to take such premises for the public use, the City Council shall enter an order among their proceedings confirming said report, and directing said Commissioners within twenty days thereafter to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess such damages and benefits, and to return the same to the City Council within the time limited.

Duty of commissioners

SEC. 7. The Commissioners, within the time limited, shall again view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefitted thereby. They shall hear such testimony as may be offered by any person interested, which testimony shall be reduced to writing by one of the commissioners; they shall proceed to make their assessments, and determine and appraise to the owner or other parties having an interest in the premises the value of the premises proposed to be taken, and the injury arising to them respectively in

the just value thereof, noting the year when such omissions occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the city Council shall, in addition to the taxes for the current year, lay such tax upon such lot or tract of land as the same would have been chargeable with had not the same been so omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whatsoever hands they may have come. Should any tax or assessment upon any lot or parcel of land be set aside or declared void by reason of any defect or informality in the assessing, buying, selling or conveying the same or other matter, but not affecting the equity or justice of the tax itself, the City Council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall by ordinance direct: *Provided*, That if the defect was in the assessment, the same shall be again assessed at such time as the City Council shall direct;—and the said tax or assessments so re-assessed and re-levied shall be and continue a lien upon such tract or lot, and shall be collected as other taxes or assessments are collected under this Act.

Tax deeds evidence of tax

SEC. 19. All deeds purporting on their face to be executed on account of sales for taxes or assessments under this Act, shall be in all cases *prima facie* evidence of the validity of such tax; and in case the title conveyed by such deed shall come in question, the same shall be *prima facie* evidence of the facts recited in such deeds as far as they affect the force or validity of all title conveyed or purporting to be conveyed by such deeds.

Instructions herein given only directory

SEC. 20. All the instructions and directions herein given for the assessing of lands and personal property, and the levying and collection of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with the same, and not affecting the substantial justice of the tax itself, shall vitiate or in any wise affect the validity of the tax or assessment or of the title conveyed, under any sale for taxes under this Chapter.

Marshal's duty

SEC. 21. The Marshal shall receive the moneys that may be legally tendered him for the redemption of lands sold for taxes; and he shall keep account thereof, and immediately pay the same over to the City Treasurer, and take his receipt therefor, who shall also keep an account thereof, and the Treasurer shall pay the same over on demand to the person entitled to receive the same. The Treasurer shall cancel the certificates so redeemed and preserve the same in his office, and at the expiration of his term of office he shall deliver to his successor all redemption moneys in his hands, with a statement of the amount so received, and the amount and to whom paid.

confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void, and the benefits so assessed shall be a lien upon the premises assessed from the confirmation of such report.

SEC. 13 When the whole of any tract of land or other premises under lease or contract shall be taken by virtue of this Act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, upon the confirmation of the Commissioners' report, shall respectively cease and be absolutely null, and the parties discharged therefrom.

SEC. 14. When only a part of a tract of land or other premises so under lease or contract, shall be taken as aforesaid, all the covenants, contracts, and agreements respecting the same upon the confirmation of such report, shall, as aforesaid, be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so apportioned that the part thereof justly and equitably payable for such residue, and no more, shall be paid for in respect to the same.

SEC. 15. When any known owner of any lands or premises affected by any proceeding under this Act, shall be an infant or labor under any other legal disability, the Judge of Probate of Washington county shall, upon the application of the person laboring under such disability, his next friend, or the City Council appoint a guardian for such person, upon whom shall be served all notices required by this Act.

SEC. 16. The said Commissioners before entering upon the discharge of their duties, shall severally take an oath that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and honestly discharge the trust reposed in them. Commissioners to take oath

SEC. 17. Any person whose property is taken, or against whom an assessment is made, may within ten days after the return of said Commissioners to the City Council, appeal from such determination of damages or benefits, to the District Court of Washington county, where such appeal shall be tried as in ordinary cases of appeal in said Court; the City Council shall have the same right to appeal. Appeal

SEC. 18. Whenever any public ground, street or alley, shall be laid out, widened or enlarged under the provisions of this Chapter, the City Council shall cause an accurate survey and profile thereof, to be made and filed in the office of City Surveyor.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

SEC. 1. All funds in the city treasury shall be under the

aside a deed executed by reason of the non-payment of such taxes upon the sale of the premises therefor, unless such person shall first pay or tender to the proper party or deposit to his use with the Treasurer the amount of all city taxes that remain unpaid and that have been paid upon such lots or tracts since the sale thereof for taxes by the purchasers, together with the interest and charges thereon.

Deeds for property not redeemed

SEC. 27. When any lands sold for taxes shall not be redeemed as aforesaid, the Treasurer of said city shall, after the expiration of said term of three years for the redemption thereof on the presentation to him of the certificate of sale, execute in the name of the City of Marine, under his hand and seal, to the purchaser, his heirs and assigns, a deed of the lots or parcels of land so remaining unredeemed, and shall acknowledge the same, which shall invest in the grantee an absolute estate in fee simple of such lands—subject, however, to all unpaid taxes and charges that may be a lien thereon. The fees of the Treasurer for executing and acknowledging such deed shall be one dollar and fifty cents

CHAPTER VI.

OPENING OF STREETS, ALLEYS, &C.

Public squares and streets may be laid out

SEC. 1. The City Council shall have power to lay out public squares, grounds, streets, [lanes,] alleys, and to widen and enlarge the same as follows: Whenever twenty or more freeholders residing in said city, by petition, represent to the City Council that it is necessary to take certain lands within the city for the purpose of laying out public squares, grounds, streets or alleys, or the enlarging or widening the same, the courses, distances, metes and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises, if known to the petitioners, to be set forth in the petition, the City Council should thereupon cause notice of such application to be given to the occupant or occupants of such lands, if there be any; and if such lands or any portion of them shall not be in the actual occupation of any one then the City Council shall cause such notice, describing as near as may be the premises proposed to be taken, to be published, in the official paper, for three weeks successively, once at least in each week, and the publisher of such paper, or his foreman, shall make affidavit of such publication, and deposit the same with the City Recorder.

Public notice thereof to be given

SEC. 2. Such notice shall state [that,] on a certain day therein named, not less than six days from the day of service of such notice, or the expiration of such publication, as the case may be, the City Council will appoint three commissioners to review said premises and to determine whether it is necessary to take the same for the purposes specified in said petition; and at the time specified the said City Council

shall proceed and appoint three reputable freeholders, residents of the city but not interested in the result of said petition, and shall enter an order in their proceedings requesting the said commissioners within thirty days to view said premises, to be specified in said order, and to make return to the City Council whether in their judgment it is necessary to take said premises for the public use for the purposes specified in said petition.

SEC. 3. The Recorder shall, within three days, notify the said commissioners of their appointment, embracing therein a copy of such order; and if any of said commissioners shall be disqualified from acting, or shall at any time refuse to act, the City Council shall appoint others in their places, whom the Recorder shall likewise notify, and a memorandum of such substitution shall be endorsed on the notice. Notice to commissioners

SEC. 4. The said Commissioners, at such time as they may agree upon, within thirty days of the time of their appointment, shall proceed to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number, and either of the commissioners shall be authorized to administer the necessary oaths to witnesses. Duty of commissioners

SEC. 5. After viewing the premises and hearing such testimony as may be offered, the Commissioners shall make a report of their proceeding to the City Council, which shall be signed by them respectively, and which shall state whether in their judgment it is necessary to take the premises in question for the public use: which said notice, report and testimony shall be returned to the City Council within the said thirty days.

SEC. 6. Should the Commissioners report that it is necessary to take such premises for the public use, the City Council shall enter an order among their proceedings confirming said report, and directing said Commissioners within twenty days thereafter to again view said premises for the purpose of ascertaining and determining the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess such damages and benefits, and to return the same to the City Council within the time limited.

SEC. 7. The Commissioners, within the time limited, shall again view and examine the premises proposed to be taken, and all such other premises as will in their judgment be injured or benefitted thereby. They shall hear such testimony as may be offered by any person interested, which testimony shall be reduced to writing by one of the commissioners; they shall proceed to make their assessments, and determine and appraise to the owner or other parties having an interest in the premises the value of the premises proposed to be taken, and the injury arising to them respectively in Duty of commissioners

consequence thereof, after making due allowance for any benefits of the taking that such owner or owners may respectively derive from the taking of such property for public use. Such injury, after making such allowance, shall be awarded to such persons respectively as damages.

Damages

SEC. 8. If the damages to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the Commissioners shall strike a balance and carry the difference forward to the other column, so that the assessment shall show what amount is to be received or paid by such owner or owners, or persons interested respectively, and the difference only shall in any case be collected of them or payable to them.

SEC. 9. If the lands or buildings belong to different persons, or if the lands be subject to lease, judgment, mortgage or lien, or if there be any estate in it less than estate in fee, the injury done to such person or interest respectively, may be awarded to them by the Commissioners less the benefits resulting to them respectively from the proposed appropriation to the public use.

Assessing damages

SEC. 10. Having ascertained the damages and expenses of the proposed improvement as aforesaid, the said Commissioners shall thereupon apportion and assess the same, together with the cost of the proceedings, from the real estate by them deemed benefitted, in proportion to the benefits resulting thereto from the proposed improvement, as nearly as may be; and shall, as near as may be, describe the real estate upon which this assessment may be made. The award of said Commissioners shall be signed by them, together with the testimony taken, and returned to the City Council within the time limited in this order of appointment. Should they fail so to do, they shall receive no compensation for their services, and the City Council shall appoint new Commissioners, unless further time is granted, to the said first appointed Commissioners, which further time the City Council may by order grant.

Collecting assessments

SEC. 11. The said assessment shall be collected by the Marshal in the same manner as he is by law empowered to collect taxes upon personal property, and the return of the Marshal shall be conclusive evidence of that fact.

Further provisions respecting the taking of land

SEC. 12. The land required to be taken for the purpose mentioned in this chapter, shall not be taken until the damages awarded to the owner thereof for the taking of the same shall be paid or tendered the owner or his agent, or deposited for his use with the City Treasurer, in case said owner or his agent are unknown, and the said lands and premises so taken and appropriated shall thereafter be subject to all the laws and ordinances of the city in the same manner as streets, alleys, or public grounds, heretofore opened or laid out, and the damages so assessed shall be paid or tendered or so deposited within eight months of the

confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void, and the benefits so assessed shall be a lien upon the premises assessed from the confirmation of such report.

SEC. 13 When the whole of any tract of land or other premises under lease or contract shall be taken by virtue of this Act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties, touching the same or any part thereof, upon the confirmation of the Commissioners' report, shall respectively cease and be absolutely null, and the parties discharged therefrom.

SEC. 14. When only a part of a tract of land or other premises so under lease or contract, shall be taken as aforesaid, all the covenants, contracts, and agreements respecting the same upon the confirmation of such report, shall, as aforesaid, be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the rents, considerations and payments reserved, payable and to be paid for in respect to the same, shall be so apportioned that the part thereof justly and equitably payable for such residue, and no more, shall be paid for in respect to the same.

SEC. 15. When any known owner of any lands or premises affected by any proceeding under this Act, shall be an infant or labor under any other legal disability, the Judge of Probate of Washington county shall, upon the application of the person laboring under such disability, his next friend, or the City Council appoint a guardian for such person, upon whom shall be served all notices required by this Act.

Commissioners to take oath

SEC. 16. The said Commissioners before entering upon the discharge of their duties, shall severally take an oath that they are freeholders of said city, and not interested in the premises proposed to be taken, and that they will faithfully and honestly discharge the trust reposed in them.

Appeal

SEC. 17. Any person whose property is taken, or against whom an assessment is made, may within ten days after the return of said Commissioners to the City Council, appeal from such determination of damages or benefits, to the District Court of Washington county, where such appeal shall be tried as in ordinary cases of appeal in said Court; the City Council shall have the same right to appeal.

SEC. 18. Whenever any public ground, street or alley, shall be laid out, widened or enlarged under the provisions of this Chapter, the City Council shall cause an accurate survey and profile thereof, to be made and filed in the office of City Surveyor.

CHAPTER VII.

MISCELLANEOUS PROVISIONS.

SEC. 1. All funds in the city treasury shall be under the

City funds to be under control of council

control of the City Council, and shall be drawn out upon the order of the Mayor and Recorder, duly authorized by the City Council, and all orders drawn upon the Treasurer shall specify the purpose for which they were drawn, and shall be payable out of any funds in the city treasury belonging to the city, and all such orders shall be received in payment of any tax or assessment levied by authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and shall be transferrable by endorsement. No moneys shall be appropriated for any purpose whatever, except such as are expressly authorized by this Act.

Actions how brought

SEC. 2. All actions brought to recover any penalty or forfeiture under this Act, or the ordinances, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the city. It shall be lawful to declare generally in debt for such penalty or forfeiture, stating the clause of the Act, by-laws, ordinance or regulation under which the forfeiture as claimed, and to give the special matter in evidence under it.

Judgment

SEC. 3. No judgment recovered in favor of the city should be remitted or discharged except by vote of four-fifths of the City Council.

Interested parties

SEC. 4. No person shall be an incompetent judge, justice, juror, witness or commissioner, by reason of his being an inhabitant of the city in any action or proceeding in which the city shall be a party in interest.

City property exempt from levy

SEC. 5. The following property now or hereafter belonging to the said city, shall be exempt from levy sale by virtue of any execution, to-wit: all engine houses, hook and ladder houses, and the ground upon which they are situated; all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by the fire company, erected or otherwise by the City Council; school houses and the furniture thereof, and the furniture of the City Council and office rooms of the offices of the city.

Contracts how to be let

SEC. 6. All work for the city shall be let by contract to the lowest responsible bidder thereof, and the City Council may require of the bidder a bond with sureties for the faithful performance of the contract; due notice shall be given of the time and place of letting such contract.

Elections

SEC. 7. If any election for city officers for any cause should not be held in the manner and at the time herein prescribed, it shall not be considered a reason for arresting, suspending, or absolving said corporation, but such election may be held on any subsequent day; and if any of the duties *enjoined* by this Act, as the ordinances, by-laws, rules or regulations of the city, to be done by any officer at any specified time, be not done or performed at that time, the City Council may appoint another time at which the said acts may be done and performed.

tion twenty-five, in same township, thence south to the place of beginning, containing sections one and two in township one hundred and six, north range fourteen west; sections thirty-five and thirty-six, and the south half of sections twenty-five and twenty-six, in township one hundred and seven, north range fourteen west.

WARDS.

Boundaries of the wards

SEC. 3. The said city is hereby divided into three Wards: The First Ward shall comprise all that portion which lies South of a line drawn from the East to the West boundaries of the city straight through the centre of Third Street.

The Second Ward shall comprise all that part of the city which lies between a line drawn from the East to the West boundaries of the city straight through Division Street and the First Ward.

The Third Ward shall comprise all that part of the city which lies North of the Second Ward.

CHAPTER II.

ELECTIVE OFFICERS.

Elective officers

SEC. 1. The elective officers of said city at large, shall be a Mayor, Recorder and a City Justice of the Peace, who shall be styled City Justice. The Mayor and Recorder shall hold their respective offices one year, and the City Justice two years, and until his successors are elected and qualified.

Eligibility to office

SEC. 2. No person shall be eligible to the office of Mayor, Recorder or City Justice, who shall not have been a resident of the city for one year next preceding his election.

Ward officers

SEC. 3. The officers elected in each Ward shall be two Aldermen, one Assessor, one Justice of the Peace, one Supervisor, who shall be a member of the Board of County Supervisors, and one Constable who shall hold their offices for one year and until their successors are elected and qualified, except Justice of the Peace, who shall hold his office for two years. All of which said officers shall be residents of the wards in which they are respectively elected, and shall have resided therein thirty days, and in the city six months next preceding such election. All city officers shall be qualified electors of the State.

CHAPTER III.

GOVERNMENT OF THE CITY.

Common council

SEC. 1. There shall be a Council, to consist of a Mayor and Board of Aldermen, which shall be styled the Common Council of the city of Rochester.

CHAPTER LXXIX.

An Act to Incorporate the City of Rochester

CHAPTER 1. City and Ward Boundaries.
2. Elective officers.
3. Government of the City.
4. Elections.
5. Officers—their powers and duties.
6. The Common Council—its general powers and duties.
7. Finances and Taxation.
8. Streets, Alleys, &c.
9. City Improvements.
10. Assessing, Levying and Collecting Taxes.
11. Common Schools.
12. Miscellaneous provisions.

Be it enacted by the Legislature of the State of Minnesota:

City of Rochester incorporated—corporate powers

SECTION 1. All that part of the County of Olmsted contained within the limits and boundaries hereinafter described, shall be a city by the name of Rochester, and the people now inhabiting and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the City of Rochester, who shall have the general powers possessed by municipal corporations at common law, and in addition thereto shall possess the powers hereinafter specially granted, and the authorities thereof shall have perpetual succession, shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all courts of law and equity, and shall have a common seal and may change and alter the same at pleasure, and may take, hold, and purchase, lease and convey such real, personal and mixed estate as the purposes of the corporation may require within or without the city.

CHAPTER I.

CITY AND WARD BOUNDARIES.

Boundaries of the city

SEC. 2. The territory included within the following boundaries and limits, shall constitute the city of Rochester: Beginning at the south-east corner of section one, in township one hundred and six, north range fourteen west, and running thence to the south-west corner of section two, in the same township, thence north to the north-west corner of the south-west quarter of section twenty-six, in township one hundred and seven, north range fourteen west, thence due east to the north-east corner of the south-east quarter of sec-

tion twenty-five, in same township, thence south to the place of beginning, containing sections one and two in township one hundred and six, north range fourteen west; sections thirty-five and thirty-six, and the south half of sections twenty-five and twenty-six, in township one hundred and seven, north range fourteen west.

WARDS.

Boundaries of the wards

SEC. 3. The said city is hereby divided into three Wards: The First Ward shall comprise all that portion which lies South of a line drawn from the East to the West boundaries of the city straight through the centre of Third Street.

The Second Ward shall comprise all that part of the city which lies between a line drawn from the East to the West boundaries of the city straight through Division Street and the First Ward.

The Third Ward shall comprise all that part of the city which lies North of the Second Ward.

CHAPTER II.

ELECTIVE OFFICERS.

Elective officers

SEC. 1. The elective officers of said city at large, shall be a Mayor, Recorder and a City Justice of the Peace, who shall be styled City Justice. The Mayor and Recorder shall hold their respective offices one year, and the City Justice two years, and until his successors are elected and qualified.

Eligibility to office

SEC. 2. No person shall be eligible to the office of Mayor, Recorder or City Justice, who shall not have been a resident of the city for one year next preceding his election.

Ward officers

SEC. 3. The officers elected in each Ward shall be two Aldermen, one Assessor, one Justice of the Peace, one Supervisor, who shall be a member of the Board of County Supervisors, and one Constable who shall hold their offices for one year and until their successors are elected and qualified, except Justice of the Peace, who shall hold his office for two years. All of which said officers shall be residents of the wards in which they are respectively elected, and shall have resided therein thirty days, and in the city six months next preceding such election. All city officers shall be qualified electors of the State.

CHAPTER III.

GOVERNMENT OF THE CITY.

Common council

SEC. 1. There shall be a Council, to consist of a Mayor and Board of Aldermen, which shall be styled the Common Council of the city of Rochester.

Number of aldermen

SEC. 2. The Board of Aldermen shall consist of two members from each Ward, to be chosen for one year by the qualified voters of each respective Ward.

Powers of the council

SEC. 3. The Common Council shall judge of the qualifications, elections, and returns of its own members, and shall determine all contested elections, and in such case shall have power to send for persons and papers.

SEC. 4. A majority of the Common Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance.

SEC. 5. The Common Council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member, after due notice given, and an opportunity extended to the accused to be heard, by counsel or otherwise.

SEC. 6. The Common Council shall keep a journal of its proceedings; and ayes and nays, when demanded by any member present, shall be entered on the journal.

Appointment of city officers

SEC. 7. The Common Council shall, at its first regular meeting after the annual election, or as soon thereafter as may be, appoint a Treasurer, a City Marshal, one or more Street Commissioners, an Attorney, and a City Surveyor, who shall each possess the same qualifications for office as are required in the cases of Aldermen.

SEC. 8. No Alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected.

SEC. 9. There shall be one regular meeting of the Common Council in each month, at such time and place as shall be prescribed by ordinance.

CHAPTER IV.

ELECTIONS.

Annual elections

SEC. 1. The annual election of city officers shall be held on the first Tuesday of May in each year, at such places within each ward as the Common Council shall designate, and the polls shall be kept open from ten o'clock, A. M., till four P. M., and ten days previous notice shall be given by the Common Council of the time and places of holding such elections, and the officers to be elected, by posting notices thereof in three of the most public places in the city, and by publishing the same in at least one of the papers published in the city.

Vacancies—how filled

SEC. 2. Whenever a vacancy shall occur in the office of Mayor or Aldermen, such vacancy shall be filled by a new election, which shall be ordered and held within ten days after such vacancy shall occur, and reasonable notice of such

be deemed to have vacated his office, and the Common Council shall proceed to fill the vacancy as herein prescribed.

Term of office

SEC. 10. The term of every officer elected under the law, shall commence on the first Tuesday of May, of the year for which he was elected; and shall, unless otherwise herein provided, continue for one year, and until his successor is elected and qualified.

Failure to elect

SEC. 11. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the Common Council shall order a new election to be held, ten days notice of the time and place of holding such election being first given.

CHAPTER V.

OFFICERS—THEIR POWERS AND DUTIES.

Oath of office and bonds of officers

SEC. 1. Every person elected or appointed to any office under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officer taking the same, with the Recorder of the city; and the Treasurer and Marshal, and such other officers as the Common Council may direct, shall severally, before entering upon the duties of their respective offices, execute to the city of Rochester, a bond with at least two sureties, (to be approved of by the Common Council,) who shall make affidavit that they are each worth the penalty specified in said bond over and above all debts, exemptions or liabilities, and said bonds shall contain such penal sum, and such conditions as the Common Council may deem proper, and they may, from time to time, require new or additional bonds, and remove from office any officer refusing or neglecting to give the same.

Duties of the mayor

SEC. 2. The Mayor shall, when present, preside over the meetings of the Common Council, and take care that the laws of the State and the ordinances of the city be strictly enforced and duly observed, and that all other executive officers of the city discharge their respective duties. The Mayor or any two Aldermen, may call special meetings of the Common Council. He shall inspect the conduct of all subordinate officers, and cause negligence and persistent violation of duty to be prosecuted and punished, and may require of any officer of the city, whenever he may deem it necessary, an exhibit of his books and papers. He shall from time to time communicate to the Common Council, and recommend such measures as he may deem advantageous to the city. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this Act, and is hereby authorized to call upon every male inhabitant of said city over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the

on the subject of naturalization,) that you have resided within this State (or city, in the case of a city election,) four months, and within the ward twenty days next preceding the election; that you have not voted at this election, and that you have made no bet or wager, or become directly or indirectly interested in any bet or wager, depending on the result of this election." And if the person offering to vote shall take such oath, his vote shall be received; and if such person shall take such oath falsely, he shall be deemed guilty of a wilful and corrupt perjury, and upon conviction thereof, upon indictment, shall suffer the punishment provided by law for persons guilty of perjury. If any person who is not a qualified voter shall vote at any election, or if any person duly qualified shall vote in any other ward than in the one which he resides, or shall vote more than once at any election, he shall be liable to indictment, and on conviction thereof, shall forfeit and pay a sum not exceeding one hundred dollars, nor less than twenty-five dollars. It shall be the duty of the Inspectors to keep a list of the names of all persons whose votes may be challenged as aforesaid, and who shall make the oath aforesaid; and if any Inspector shall knowingly and corruptly receive the vote of any person not authorized to vote, or shall make out false returns of an election, or any Clerk shall not write down the name of every voter as he votes, or shall wilfully make untrue and incorrect counts and tallies of votes, each and every such Inspector or Clerk shall be liable to indictment, and on conviction thereof, shall severally forfeit and pay a sum not exceeding five hundred dollars, nor less than one hundred dollars. All such indictments shall be tried in the District Court of the County of Olmsted.

Duties of inspectors

SEC. 7. When an election shall be closed, and the number of votes for each candidate or person voted for, shall be counted and ascertained, the said Inspectors shall make return thereof, stating therein the number of votes for each person, for each and every office, and shall deliver, or cause to be delivered, in case of a city election, such returns to the Recorder, who shall forthwith give notice to each of the Aldermen of their respective elections; within one week after any election, the Common Council shall meet and canvass said returns and declare the result as it appears from the same so far as relates to city or ward officers.

Canvass of the votes

SEC. 8. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the Aldermen of each ward in the same manner, and the returns thereof shall be made in the same form and manner as in general or annual elections, and within such time as may be prescribed by resolution.

Special election.

SEC. 9. Any officer removing from the city or ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment, to enter upon the discharge of the duties of his office, shall

Vacation of office

city is a party, or in any loan to be negotiated by the city. He shall receive for his services such sum as the City Council shall deem proper, not to exceed one hundred dollars per annum.

Duties of the city attorney

SEC. 6. The Attorney for the city shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any subject submitted to him by the Common Council or its Committees; *Provided*, he shall not receive to exceed twenty-five dollars per year for such services.

Duties of the city treasurer

SEC. 7. The Treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, in such manner as the Common Council shall from time to time direct. The Treasurer shall exhibit to the Common Council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which accounts shall be filed with the Recorder. He shall not be entitled to any pay for his services, except as hereinafter provided.

Duties of the city marshal

SEC. 8. The Marshal shall execute such orders as are made, and perform such duties as are prescribed by the Common Council, for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law, and under the statutes of this State and receive like fees, but shall not serve civil process except where the city is a party. He shall not receive any other compensation for his services, than constable's fees and a per cent. on all moneys collected, to be allowed by the Common Council, except as may be hereinafter provided.

Duties of the street commissioners

SEC. 9. The Street Commissioners shall, under the direction of the Common Council, superintend the grading and improving of streets, alleys, and the building and repairing of side-walks, and the expenditure of taxes levied and collected for such purposes, and shall have the same supervision over the highways in the city and discharge the same duties as are by law required of overseers of highways generally.

Further duties to be prescribed by Council

SEC. 10. The Common Council shall have power to require from time to time, other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this Act, and to prescribe their duties and compensation. Such compensation shall be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The Common Council may at any time fix the compensation of any officer or committee for any extraordinary service by them performed.

SEC. 11. The Common Council at their first meeting in each

military companies of the city, to aid him in suppressing the same or carrying into effect any law or ordinance; any person who shall not obey such call, shall forfeit to the city a fine not exceeding twenty-five dollars, and not less than five dollars.

Improper conduct of mayor

SEC. 3. In case the Mayor shall be guilty of any willful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof, shall pay a fine of not more than five hundred dollars, and the Court shall have power, (upon the recommendation of the jury in the case,) to add to the judgment for the fine, that he be removed from office.

Absence of mayor

SEC. 4. In case the Mayor shall be absent from any meeting of the Common Council, the Common Council shall proceed to elect of their own number a temporary presiding officer, who, for the time being, shall discharge all the duties of Mayor. In case of the absence of the Mayor from the city, or his inability from any reason, other than removal from the city, to discharge the duties of his office, the Council shall elect by ballot, from their own number, an officer who shall be styled Acting Mayor, and all acts performed by him shall have the same force and validity as if performed by the Mayor.

Duties of recorder

SEC. 5. The Recorder shall keep the corporate seal and all the papers and records of the city, and keep a record of the proceedings of the Common Council, at whose meetings it shall be his duty to attend; and copies of all papers filed in his office, and transcripts from the records of the Common Council, certified by him under the corporate seal, shall be evidence in all Courts as if the originals were produced. He shall [draw] and countersign all orders on the Treasurer in pursuance of any order or resolution of the Common Council, and keep a full and accurate account thereof in books provided for that purpose. The Recorder shall have power to administer oaths or affirmations, and take the acknowledgment of deeds and other writings. He shall report annually, on or about the first day of June, to the Common Council, an estimate of expenses of the city for the current year, and the revenue necessary to be raised therefor, and the fiscal year of the city shall commence on the first day of July, in each year. He shall make or cause to be made estimates of the expense of any work to be done by the city, and countersign all contracts made in behalf of the city, and all certificates of work by any officer of the city, or any committee, of the Common Council. He shall negotiate such temporary loans for the city as the City Council may direct, anticipating the revenues for the current year, but such loan shall be subject to the approval of the Common Council. The Recorder shall keep a record of all his acts and doings, which record shall be at all times open to the inspection of all parties interested. He shall not directly or indirectly be interested in any contract or job to which the

city is a party, or in any loan to be negotiated by the city. He shall receive for his services such sum as the City Council shall deem proper, not to exceed one hundred dollars per annum.

Duties of the city attorney

SEC. 6. The Attorney for the city shall perform all professional duties incident to his office, and when required, shall furnish written opinions upon any subject submitted to him by the Common Council or its Committees; *Provided*, he shall not receive to exceed twenty-five dollars per year for such services.

Duties of the city treasurer

SEC. 7. The Treasurer shall receive all moneys belonging to the city, and keep an accurate and detailed account thereof, in such manner as the Common Council shall from time to time direct. The Treasurer shall exhibit to the Common Council, at least fifteen days before the annual election, or sooner if required by them, a full and detailed account of all the receipts and expenditures after the date of the last annual report, and also the state of the treasury, which accounts shall be filed with the Recorder. He shall not be entitled to any pay for his services, except as hereinafter provided.

Duties of the city marshal

SEC. 8. The Marshal shall execute such orders as are made, and perform such duties as are prescribed by the Common Council, for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order cleanliness and government of the city, and for all other purposes. He shall possess the powers of a constable at common law, and under the statutes of this State and receive like fees, but shall not serve civil process except where the city is a party. He shall not receive any other compensation for his services, than constable's fees and a per cent. on all moneys collected, to be allowed by the Common Council, except as may be hereinafter provided.

Duties of the street commissioners

SEC. 9. The Street Commissioners shall, under the direction of the Common Council, superintend the grading and improving of streets, alleys, and the building and repairing of side-walks, and the expenditure of taxes levied and collected for such purposes, and shall have the same supervision over the highways in the city and discharge the same duties as are by law required of overseers of highways generally.

Further duties to be prescribed by council

SEC. 10. The Common Council shall have power to require from time to time, other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this Act, and to prescribe their duties and compensation. Such compensation shall be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The Common Council may at any time fix the compensation of any officer or committee for any extraordinary service by them performed.

SEC. 11. The Common Council at their first meeting in each

Public printer —election of

year, or as soon thereafter as may be, shall designate one newspaper, printed in the city, in which shall be published all ordinances and other proceedings and matters required by this Act, or that may be required by the by-laws or ordinances of the Common Council to be published in a public newspaper.

Affidavits of publication of ordinances &c.

SEC. 12 The city printer immediately after the publication of any notice or resolution, or other matters which by this Act is, or by city ordinances shall be required to be published, shall file with the Recorder a copy of such publication, with his affidavit, or the affidavit of his foreman, of the length of time the same has been published, and such affidavit shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Delivery of books to successors

Any person having been an officer in said city, shall, within ten days after notification and request, deliver to his successor in office, all property, books, papers, and effects of every description in his possession belonging to said city, or pertaining to the office he may have held. If he fail to do so, after such notification and request, he shall forfeit and pay to the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver; and such successor may recover the possession of such books, papers, and effects in the manner prescribed by the laws of this State, in cases of unlawful detention of property.

Members of common council to have no interest in contracts

SEC. 13. No member of the Common Council shall be a party to or interested in any job or contract with the city, and any contract in which any member of the Common Council may be so interested, shall be null and void.

Peace officers

SEC. 14. The Mayor, Sheriff of Olmstead county, and each and every Aldderman, Justice of the Peace, Marshal, Recorder and Constables of the town of which said city is a part, shall be officers of the peace, and may command the peace and suppress, in a summary manner, all rioting and disorderly behavior within the limits of the city; and for such purpose may command the assistance of all bystanders, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of not more than tweny five dollars, nor less than five dollars.

Duties and powers of the justice of the peace

SEC. 15. The City Justice shall possess all the authority, power and rights of a Justice of the Peace, except he shall in no case entertain any civil proceedings to which the city is not a party, and shall have sole exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace, but warrants returnable before the said City Justice, may be issued in criminal cases by any Justice in the city, but no fee shall be received therefor by said Justice. The said Justice shall have exclusive jurisdiction in all cases cognizable before a Justice of the Peace, in which the city is a party, and shall

have cognizance and exclusive jurisdiction of all suits, prosecutions or proceeding for the recovery of any fine, forfeiture or penalty, under any by-law, ordinace or regulations of the said City of Rochester, or its charter, or for the breach or violation of any such by-law, ordinance or regulation, and in all cases of offense committed against the same. All prosecutions for assault, batteries and affrays, not indictable, and for a breach or violation of any such by-law, [ordinance] or regulation, shall be commenced in the name of the City of Rochester, and the same proceedings shall be had in civil and criminal suits before said Justice, where not otherwise herein directed, as are established and required to be had in civil and criminal actions by the laws of this State before a Justice of the Peace. *Provided*, That in case of prosecutions for a breach or violation of an ordinance, by-law or regulation of said city or its charter, or for any assault, battery, or affray, not indictable, committed within the city limits, no appeal shall be allowed where the judgment or fine imposed, exclusive of costs, is less than fifteen dollars. In all cases of convictions for assaults, batteries, and affrays, within said city, and in all cases of conviction under any ordinance of said city, for breaches of the peace, disorderly conduct, keeping houses of ill fame or frequenting the same, and of keeping or maintaining disorderly and ill-governed houses; the said Justice shall have power in addition to the fine or penalty imposed, to compel such offenders to give security for their good behavior, and to keep the peace for a period not exceeding six months, and in a sum not exceeding five hundred dollars. The said Justice shall have the same power and authority in case of contempt as a Court of Record. *Provided*, That nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the peace, nor to affect in any manner the jurisdiction or powers of the District Courts or Supreme Court of this State. In case of the absence, sickness or other inability of said Justice, or for any sufficient reason, the Mayor, by warrant, may authorize any other Justice of the Peace within said city, to perform the duties of said Justice of the Peace for the city, and it shall thereupon be the duty of the Mayor to inform the City Attorney and Marshal of such substitution, and make report thereof to the Common Council, and they may confirm or set aside such appointment, or appoint some other Justice of the Peace, and the Justice of the Peace, so appointed shall, for the time being, possess all the authority, powers and rights of said Justice of the Peace for the city. All fines and penalties imposed by the City Justice for offences committed within the city limits, or for violations of any ordinance, by-law or regulation of said city, shall belong to, and be a part of the finances of said city.

Powers and authority of city justice

SEC. 16. The City Justice shall quarterly report to the Common Council, all the proceedings instituted before him in

Quarterly reports from city Justice

which the city is interested, and shall at the same time account for and pay over to the city Treasurer all fines and penalties collected by him belonging to said city; and said Justice shall be entitled to receive from the county of Olmstead, such fees in crimimal cases occurring without the city, as are allowed to other Justices in the county for similar services.

Ward justices and constables

SEC. 17. The Justices of the Peace and Constables elected in each ward shall have the same powers, authority and rights as are possessed by other Justices and constables of the county of Olmstead, under the laws of the State.

City surveyor —duties of

SEC. 18. The Common Council shall prescribe the duties of the city surveyor, and fix the fees of compensation for any services performed by him; all surveys, plans or estimates made by him for the city, shall be the property of the city, and carefully preserved in the office of the Recorder, open for the inspection of the parties interested.

CHAPTER VI

THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

General powers of common council

SEC. 1. The Mayor and Aldermen shall constitute the Common Council, and the style of all ordinances shall be: "The Common Council of the City of Rochester do ordain." The Common Council shall have the control and management of the finances and of all the property of the city, and shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct and repeal all such ordinances, rules and by-laws for the government and good order of the city, and for the suppression of vice and intemperance, and the prevention of crime, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules, or by-laws—and all such ordinances, rules, and by-laws are hereby declared to be, and have the full force of law; and for these purposes, shall have authority by ordinances, resolutions, or by laws; *Provided*, They be not repugnant to the Constitution and laws of the United States, or of this State.

Licenses

First. To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, or bowling saloons, and to fix the rate of license therefor; and to provide for the abatement and removal of all nuisances under the ordinances or at common law, or under this Act, and to grant licenses, and to regulate groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed or intoxicating liquors; *Provided*, That the license for so dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors, shall be at least one

Twenty-third. To appropriate money and provide for the payment of the expenses of the city.

Twenty-fourth. To establish, regulate and support night watches when necessary.

Twenty-fifth. To provide for the erection of all needful buildings for the use of the city.

Twenty-sixth. To provide for the enclosing, improving and regulating of all public grounds belonging to the city, and for the adorning of the streets thereof, with shade trees.

Twenty-seventh. To regulate and tax merchants, retailers, taverns, groceries, ordinaries, hawkers, pawn brokers, and money changers. Licenses

Twenty-eighth. To license and regulate porters and fix the price of porterage.

Twenty-ninth. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, lard, butter and other provisions. Inspections

Thirtieth. To regulate and order parapet walls and partition fences.

Thirty-first. To provide for taking, from time to time the enumeration of the inhabitants of the city.

Thirty-second. To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city; and to make quarantine laws, and enforce the same within three miles of the city. Health regulations

Thirty-third. To restrain and punish vagrants, mendicants, street beggars, and prostitutes.

Thirty-fourth. To prescribe the limits within which wooden buildings, or buildings of other materials, that shall not be deemed fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within such limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing and re-building of wooden buildings within such limits when the same shall be damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damages. Fire limits

Thirty-fifth. To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers, and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city limits; and generally to establish such measures for the prevention or extinguishment of fires as prudence may dictate. Fire precautions

Thirty-sixth. To appoint one or more fire-wardens, and to prescribe their duties.

Fire engines &c

Thirty-seventh. The Common Council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded, and their apparatus to be delivered up. Each company shall not have to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of every such company shall be exempt from poll tax, from serving on juries, and from military duty, during the continuance of such membership.

Laws and ordinances how passed

SEC. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the Common Council, and be signed by the Mayor, and shall be published in the official paper of the city, before the same shall be in force, and within twenty days thereafter, they shall be recorded by the Recorder, in books provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, as aforesaid, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of such publication.

City funds

SEC. 4. All funds in the City Treasury shall be under the control of the Common Council, and shall be drawn out upon the order of the Mayor and Recorder, duly authorized by vote of the City Council, and all orders shall specify the purpose for which they were drawn. No appropriation shall be made without a majority of a full Council voting in favor of it, and the vote shall be taken by calling the roll, and the vote of each member of the Council shall be entered on the Journal of the Council, and no moneys shall be appropriated except such as are expressly authorized by this Act.

Further power of council

SEC. 5. The powers conferred upon the Common Council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the Courts according to law. Houses or buildings of any kind wherein more than twenty pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns, or beer shops, or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away, or dealt in without the license required therefor, within the limits of said city, are hereby declared and deemed public or common nuisances.

Accounts of city officers

SEC. 6. The Common Council shall examine and adjust the accounts of the Treasurer, Marshal, Recorder, and all other officers and agents of the city, at such times as they may deem proper, and at the end of each year and before the time for which such officers were appointed or elected shall have expired, and the Council shall require each and every such

Twenty-third. To appropriate money and provide for the payment of the expenses of the city.

Twenty-fourth. To establish, regulate and support night watches when necessary.

Twenty-fifth. To provide for the erection of all needful buildings for the use of the city.

Twenty-sixth. To provide for the enclosing, improving and regulating of all public grounds belonging to the city, and for the adorning of the streets thereof, with shade trees.

Twenty-seventh. To regulate and tax merchants, retailers, taverns, groceries, ordinaries, hawkers, pawn brokers, and money changers. Licenses

Twenty-eighth. To license and regulate porters and fix the price of porterage.

Twenty-ninth. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal, lard, butter and other provisions. Inspections

Thirtieth. To regulate and order parapet walls and partition fences.

Thirty-first. To provide for taking, from time to time the enumeration of the inhabitants of the city.

Thirty-second. To do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to make regulations to prevent the introduction of contagious diseases into the city; and to make quarantine laws, and enforce the same within three miles of the city. Health regulations

Thirty-third. To restrain and punish vagrants, mendicants, street beggars, and prostitutes.

Thirty-fourth. To prescribe the limits within which wooden buildings, or buildings of other materials, that shall not be deemed fire-proof, shall not be erected, placed or repaired, and to direct that all and any buildings within such limits prescribed, shall be made and constructed of fire proof materials, and to prohibit the repairing and re-building of wooden buildings within such limits when the same shall be damaged to the extent of fifty per cent. on the value thereof, and to prescribe the manner of ascertaining such value and damages. Fire limits

Thirty-fifth. To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stoves, stovepipes, ovens, boilers, and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the city limits; and generally to establish such measures for the prevention or extinguishment of fires as prudence may dictate. Fire precautions

Thirty-sixth. To appoint one or more fire-wardens, and to prescribe their duties.

Fire engines &c

Thirty-seventh. The Common Council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded, and their apparatus to be delivered up. Each company shall not have to exceed seventy-five members, and shall be formed by voluntary enlistment, and each member of every such company shall be exempt from poll tax, from serving on juries, and from military duty, during the continuance of such membership.

Laws and ordinances how passed

SEC. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the Common Council, and be signed by the Mayor, and shall be published in the official paper of the city, before the same shall be in force, and within twenty days thereafter, they shall be recorded by the Recorder, in books provided for that purpose; but before any of the said laws, ordinances, regulations or by-laws shall be recorded, the publication thereof, as aforesaid, shall be proved by the affidavit of the foreman or publisher of such newspaper, and the said affidavit shall be recorded therewith, and at all times shall be deemed and taken as sufficient evidence of such publication.

City funds

SEC. 4. All funds in the City Treasury shall be under the control of the Common Council, and shall be drawn out upon the order of the Mayor and Recorder, duly authorized by vote of the City Council, and all orders shall specify the purpose for which they were drawn. No appropriation shall be made without a majority of a full Council voting in favor of it, and the vote shall be taken by calling the roll, and the vote of each member of the Council shall be entered on the Journal of the Council, and no moneys shall be appropriated except such as are expressly authorized by this Act.

Further power of council

SEC. 5. The powers conferred upon the Common Council to provide for the abatement or removal of nuisances, shall not bar or hinder suits, prosecutions or proceedings in the Courts according to law. Houses or buildings of any kind wherein more than twenty pounds of gunpowder are deposited, stored or kept at any time, gambling houses, houses of ill-fame, disorderly taverns, or beer shops, or places where spirituous, vinous, fermented, mixed or intoxicating liquors are sold, given away, or dealt in without the license required therefor, within the limits of said city, are hereby declared and deemed public or common nuisances.

Accounts of city officers

SEC. 6. The Common Council shall examine and adjust the accounts of the Treasurer, Marshal, Recorder, and all other officers and agents of the city, at such times as they may deem proper, and at the end of each year and before the time for which such officers were appointed or elected shall have expired, and the Council shall require each and every such

officer or agent to exhibit his books, accounts, and vouchers for such examination and settlement, and if any such public officer or agent shall refuse to comply with the order of said Council in discharge of their duties, in pursuance of this Section, the Council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent as defaulting in his accounts or in the discharge of his official duties. The Council shall make full record of all such settlements and adjustments.

CHAPTER VII.

FINANCES AND TAXATION.

SECTION. 1. All funds in the treasury, except State and county funds, shall be under the control of the Common Council, and be drawn out upon the order of the Mayor and Clerk, and countersigned by the Comptroller, duly authorized by a vote of the Common Council; and all orders drawn upon the Treasurer, shall specify the purpose for which they were drawn, and shall be payable generally out of any funds in the treasury belonging to the city; and all such orders shall be received in payment for any tax or assessment levied by authority of the city. All orders shall be payable to the order of the person in whose favor they may be drawn, and may be transferred by endorsement. City funds under control of council

SEC. 2. The said Council shall have power to annually levy a tax upon all the property in said city, subject to taxation, not exceeding in the aggregate five hundred dollars per annum, to defray the current expenses of the city. Every qualified voter in said city shall annually pay a capitation or poll tax of two days work upon the highways, streets, alleys or bridges within the city, under the direction of a street commissioner. All persons liable to pay such capitation or poll tax, may in lieu of work, pay to the street commissioner one dollar per day, and the street commissioner shall expend all money so received on the streets, highways, alleys or bridges, under the direction of the Common Council. Power to levy tax

CHAPTER VIII.

STREETS, ALLEYS, ETC.

SECTION 1. The Common Council shall have the care, supervision and control of all public highways, bridges, streets, alleys, public squares and grounds within the limits of said city, and shall cause all streets, alleys or highways within the city, to be kept open and in repair and free from nuisances. No street, alley or highway, which has been

heretofore laid out, or surveyed and platted, and the survey and plat thereof recorded, shall be vacated by the Common Council or the County Board of Supervisors, nor shall any alteration be made therein except to straighten the same between the ends thereof within the city. No street or alley which shall hereafter be dedicated to public use by the proprietor or proprietors of grounds within said city, shall be recognized as a public street or alley of said city, unless the Common Council shall first approve the plat thereof, or accept such dedication, or afterwards confirm the same by an ordinance specially passed for such purpose.

Supervision of streets

CHAPTER IX.

CITY IMPROVEMENTS.

SEC. 1. The Common Council of said city shall have power to ordain and contract for the making, grading, repairing, cleansing, improving and adorning of the streets, alleys, highways, public grounds, reservoirs, gutters and sewers, within said city, and to direct and control the persons employed therein; and all such improvements shall be superintended by a Street Commissioner.

City improvements

SEC. 2. Whenever the Common Council shall deem it necessary to construct or repair any side walk within the city, they shall require the Street Commissioner to notify in writing, the owner or occupant of any lot adjoining such side walk, to make or repair the same at his own proper cost and charge, in such manner and within such time as may be specified in the notification. If such work is not done in the manner and within the time prescribed, the Common Council shall order the the same to be done at the expense of the lots adjoining such sidewalks; and the expense thereof shall be assessed upon such lots so chargeable, by the Street Commissioner, and returned to the Common Council and collected in the same manner and under the same regulations as assessments for street improvements, and shall bear a like rate of interest after confirmation. All street crossing shall be graded, and all cross walks built at the expense of and payable by the lots cornering on said crossings.

To construct or repair sidewalks

SEC. 3. The cost and expense of surveying streets, alleys, sidewalks, sewers, and estimating work thereon, and of repairing and cleansing streets and alleys and of constructing and repairing reservoirs, shall be chargeable to and payable out of the funds of the city. Grading, gravelling, planting, macadamizing or paving streets and alleys to the centre thereof, shall be chargeable to and payable by the lots fronting on such street or alley, within the line of improvement, so far as the work extends; and the whole expense thereof shall be assessed upon such lots in proportion to their fronts thereon. Sewers and drains communicating with main sew-

Costs of survey and of repairing—by whom paid

ers may be built, by order of the Common Council, through any street or alley for the purpose of draining the lots in the blocks fronting such street or alley, and in such case, the expense thereof shall be assessed upon the lots so drained and benefitted; *Provided*, That in all cases where improvements or work of any sewers are chargeable by virtue of this Section upon lots benefitted, all such improvements across streets, alleys and public grounds, shall be made and paid for out of the funds of the city, in proportion to the street, alley or public grounds.

Grading and improvements chargeable to lots—to be done only on petition of lot-holders

SEC. 4. No grading of streets or alleys to be done at the expense of the lots fronting such improvement or sewers the expense of which is to be charged to the lots drained or benefitted as before provided, shall be ordered by the Common Council, except upon the petition in writing of a majority of the owners of property whose lots will be so chargeable with the expenses thereof. On receipt of such petition, the Common Council shall pass a resolution that that effect, and shall require the Street Commissioner of the proper Ward, with the assistance of the City Surveyor, to examine the premises and report a grade, (in the case of a street or alley,) and an estimate of the whole expense thereof, and the lots chargeable with the expense, and the owners' names, if known, and the proportion of expense to be assessed upon each, and the Common Council may adopt, revise, correct or remand the same with instructions. Upon such report being adopted, an accurate survey and profile of such grade shall be prepared by the City Surveyor. The Common Council shall thereupon order the said work to be placed under contract, upon such terms and under such regulations as they may deem advisable.

Proceedings to let contract

SEC. 5. When the work provided for in the preceding section shall be placed under contract, the Street Commissioner shall give notice by publication in the official newspaper of said city, for ten days, that the expenses thereof, (in case of streets and alleys,) will be assessed upon the lots fronting such street or alley, within the line of such improvement in proportion to their fronts thereon; and in case of sewers, chargeable to the lots as hereinbefore provided, that the lots in the blocks fronting such improvement drained or benefitted thereby, (which lots shall be designated in the notice,) will be assessed in proportion to their size or area. Such assessment, when completed, shall be returned to the Common Council, and the said Common Council shall thereupon fix a time for confirming the same, of which notice shall be given in the official newspaper of the city. Upon the confirmation thereof, a warrant for the collection thereof shall issue to the Treasurer, and the same shall be levied and collected as other taxes and assessments.

SEC. 6. No error or informality in the proceedings shall vitiate the assessments made by virtue of this chapter, where

the notices hereinbefore provided shall have been given, and all assessments for work or expenses chargeable to lots as hereinbefore provided, shall be payable from the time of the confirmation thereof by the Common Council, and shall bear interest ten days thereafter, at the rate of twenty-five per cent. per annum, and the Common Council shall fix a time for the sale of such premises for the unpaid assessments, not less than three months from the time of the confirmation thereof, to be specified in the warrant. Sales for such unpaid assessments, should be conducted in the same manner and with the same effect, and under the same regulations as in the case of sales for taxes in said city, and shall be subject to the like right of redemption upon payment of such assessments and interest, at the rate of twenty-five per cent. per annum and charges, except that the time of redemption in sales for assessments under this Chapter, shall be limited to one year, and the notice of such sale shall specify the time of redemption.

Assessments upon lots

Collection of assessments

SEC. 7. All amounts collected from the assessments for improvements under this Chapter, and all contracts and claims for improvements chargeable to lots under this Chapter, shall be audited and adjusted as other claims against the city, and paid and discharged as other claims against the city.

Bonds of the city authorized to be issued in anticipation of street assessments

SEC. 8. The Common Council may, at any time, for the purpose of anticipating the collection of such assessments, and of meeting the demands against the city for such improvements, by a vote of two-thirds, issue the bonds of said city in such form, amounts and under such regulations as they may prescribe, for a time not exceeding two years, and bearing interest not exceeding twelve per cent. per annum, and the proceeds thereof shall be applied to the purposes aforesaid, and the collections from such assessments in anticipation whereof they were issued, shall stand appropriated and pledged for the payment of the principal and interest of the same; *Provided*, That the amount of such bonds on account of improvements outstanding, shall not at any time exceed one per cent. of the assessed value of the property in the city, according to the last assessment.

CHAPTER X.

ASSESSING, LEVYING AND COLLECTING TAXES.

Property subject to taxation

SEC. 1. All property, real or personal, within the city, except such as may be exempt by the laws of this State, shall be subject to taxation for the support of the city government, and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided; the assessors, elected under this Act shall have and possess the same powers that are or may be conferred by upon township or county assessors, except so far as

they may be altered by this Act. The Common Council may prescribe the form of assessment rolls, and may fully define the duties of assessors, and make such rules and regulations, in relation to revising, altering or adding to such rolls, as they may, from time to time, deem advisable.

Assessors-duties of

SEC. 2. Within ten days after receiving notice of their election, the assessors shall assemble at the Court House in said city, and after taking their official oath, shall proceed to organize by electing one of their number Chairman, who shall be authorized to administer such oaths as shall be required by this Chapter, and within such time as the Common Council shall designate, the said assessors shall make out a complete and accurate assessent roll, which shall contain a description as near as may be, of all lands, lots, or parcels of land within said city, sufficient to identify the same, and also of all persons or bodies politic liable to pay taxes, on personal property or capitation or poll tax, and opposite the name of each person or body politic shall be affixed the value of the personal property for which such person or body politic shall be assessed. When there are buildings upon any lot or parcel of land, their value shall be set forth in a separate column. The assessors may assess any lot or tract of land in such parcels or subdivisions as they may deem proper, and shall as far as practicable, enter the name or owner opposite to any parcel or tract of land. Any act done by a majority of the assessors shall have the same force and effect as if done by all.

Notice of completion of assessment roll

SEC. 3. When the assessment roll shall be completed, the the assessors shall give ten days notice thereof, in the official paper, and shall fix a time to meet at the City Hall for the purpose of equalizing assessments throughout the city, and of hearing any objections of parties deeming themselves aggrieved by such assessment; and after hearing the same, the assessors shall make such alterations or revisions as justice or equity may require; *Provided*, That the time of hearing such objections shall not be extended more than two weeks from the expiration of such notice.

Confirmation of roll

SEC. 4. Within one week after the time limited for the hearing of such objections, the Board of Assessors shall return the said assessment roll to the Common Council, who may confirm or refer the same back to the Board of Assessors. The Common Council may supply omissions in said roll, and for the purpose of equalizing the same, may alter, add to, take from and otherwise revise and correct the same; *Provided, however*, The Common Council shall not have power to increase the total amount of said roll, except by the value of such real estate as may have been omitted by the Assessors.

Assessment roll to be filed

SEC. 5. When the assessment roll shall have been revised and corrected, the same shall be filed with the Recorder, and an order confirming the same shall be entered in the proceedings of the Common Council. Thereupon the Common Coun-

cil shall, by resolution, levy such sum or sums of money as may be sufficient for the purpose for which taxes are herein authorized to be levied, but not exceeding the authorized amounts.

Taxes to be a lien upon property

SEC. 6. All taxes and assessments, general or special, levied under this Act shall be and remain a lien upon the lands and tenements upon which they may be assessed, from the time of the confirmation of such assessment-roll, and upon all personal property of any person or body politic assessed for personal taxes from the delivery of the warrant for the collection thereof, until such tax shall be paid; and no sale or transfer of such real or personal estate shall effect such lien. Any personal property belonging to the person taxed, may be taken and sold for the payment of taxes on personal property.

Copy of tax roll

SEC. 7. As soon as the tax shall be levied, the Common Council shall cause the same to be copied in a book provided for that purpose, setting opposite to each tract of land, and to each person named under proper columns, such sum or sums as may be levied upon such lot or against such person. The said copy shall be designated the tax-list, and to it shall be appended a warrant, signed by the Mayor and Recorder, and sealed with the corporate seal of said city, directed to the City Treasurer, requiring and commanding him to collect the taxes and assessments in said list, specified in the manner prescribed by this Act; and in case said taxes and assessments shall not be paid within the time specified, then in said warrant then, that he shall proceed to sell the several *lots* or parcels of land, or those parts thereof upon which said taxes and assessments shall remain unpaid, and make due return to the Common Council within such time as shall be fixed in said warrant.

Certificate of recorder to tax roll

SEC. 8. Such tax-list, before being delivered to the Treasurer, shall be compared by the Recorder with the assessment-roll as confirmed; to it he shall append his certificate, that the same has been so compared by him, and that the said assessment-roll, and the whole thereof, has been copied into such tax-list; and the said tax-list, when so certified, shall be *prima facie* evidence in any Court that the lands and or persons therein named were subject to taxation, and that the assessment was just and equal.

Treasurer to give notice of taxes to be paid

SEC. 9. On the receipt of such tax-list, the Treasurer shall give two week's notice thereof in the official paper. Such notice shall specify that taxes on personal property shall be paid within thirty days from the first publication of said notice; and taxes and assessments on real estate before the last day of December following, and that all tracts or parcels of land specified in said tax-list upon which the taxes and assessments shall not be paid by that day, will be sold at a certain time and place to be therein specified, and the publication of such notice shall be deemed a demand, and a neglect to pay the taxes

and assessments within the time specified shall be deemed a refusal to pay the same.

Collection of taxes to be enforced

SEC. 10. On the expiration of the thirty days mentioned in the preceeding Section, the Treasurer shall proceed to enforce the collection of the personal taxes in the manner specified in Chapter twelve of the Revised Statutes; and if any such personal taxes shall not be paid or collected in consequence of the neglect or delay of the Treasurer, the Common Council may sue for and recover the amount thereof from the said Treasurer and his sureties. In casethe taxes on personal property shall not be paid within the time limited in the Ninth Section of this Chapter the Treasurer may issue his warrant directed to the City Marshal, requiring and commanding him, within a certain time in such warrant to be specified, to proceed and collect such taxes on personal property as shall then remain unpaid. And the Marshal receiving such warrant shall be subject to all the liabilit.es, and shall have the power of levying, distraining and selling, that are herein given to the Treasurer, and shall be entitled to the fees for collecting which the Treasurer would have been had the tax been collected by him: *Provided*, That the proceedings may be stopped at any time on payment of the taxes or assessment with the costs incurred.

Sale of real estate for taxes

SEC. 11. On or before the first day of March, and on the day and at the place designated in the Treasurer's notice, he shall commence, by public auction sale, (and continue the some from day to day till the whole are disposed of,) of all tracts and lots, or parts thereof upon which the taxes or assessment shall remain unpaid The sale to be made for the smallest undivided portion of the lot or tract for which any portion will take the same and pay the charges thereon. On receiving the amount of such taxes and charges, the Treasurer shall issue to the purchaser, his or her heirs, or assigns, a certificate containing the name of the purchaser, a description of the premises sold, the amount paid therefor, the rate of interest said certificate may bear, and the time when the right to redeem the same shall expire. The Treasurer shall keep a record of the lots or tracts sold, the name of the purchaser, the date and amount of sale, the time, by whom, and for what sum the same was redeemed, and the time, and to whom the same was conveyed, if not redeemed.

Tax sales

SEC. 12. In case any purchaser, at such tax sale shall neglect or refuse to pay the amount for which any lot or tract was sold, at such time as the Treasurer shall designate, he shall on the day following, offer such lot or tract again for sale, and any person bidding off at such sale, any lot or tract of land, and refusing or neglecting to pay for the same within the time designated, shall forfeit and pay to the city the sum of five dollars, for each lot so purchased, and not paid for, to be sued for and collected as other penalties under this Act.

Tax sales—redemption

SEC. 13. Any lot or tract of land so sold, or any portion thereof, may be redeemed within three years from the day of sale, and at any time before the deed is executed, by the owner, or any person interested therein, paying to the Treasurer the amount for which the same was sold, together with the interest at the rate of twenty-five per cent. per annum, and the legal charges thereon. If the estate of an infant or lunatic be sold, the same may be redeemed upon the same terms, at any time within one year after such disability shall be removed.

SEC. 14. Any tract of land sold in pursuance of this Act, or any part thereof which shall not be redeemed within three years from the day of sale, shall be conveyed by the Treasurer to the purchaser, or his assigns, as herein provided.

SEC. 15. The assignee of any tax certificate, by endorsement thereon, of any premises sold for taxes by virtue of this Act, shall be entitled to receive a deed of such premises in his own name and with the same effect as though he had been the original purchaser.

City to bid off property if no other bid be offered

SEC. 16. If [at] any sale of real and personal estate for taxes or assessments, no bid shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the city, and thereupon the city shall receive in the corporate name, a certificate of the sale thereof, and shall be vested with the same rights as other purchasers are. If the city shall become the purchaser of any personal property by virtue of this Chapter, the Treasurer shall have power to sell the same at public sale, giving one week's notice in the official paper, and in case the city shall become the purchaser of any real estate at any tax sale, the Treasurer is authorized to sell the certificate issued therefor for the amount sold and interest, and to endorse and transfer such certificates to the purchaser.

Omission of property in assessment how remedied

SEC. 17. If it shall appear to the assessors that any lot or parcel of land was omitted in the assessment roll of either both of the preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or tract so omitted for such year or years that it shall have been so omitted the just value thereof, noting the year when such omissions occurred, and such assessment shall have the same force and effect as it would have had if made the year when the same was omitted; and the Common Council shall, direct in addition to the tax for the current year, such tax to be levied upon such lot or tract as the same would have been charged with had not the same been so omitted; and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted, in whosoever's hands they may have come; should the tax or assessment upon any parcel of land be set aside or be

d void by reason of any defect or informality in the levy-selling and conveying the same but not affecting the ty and justice of the tax itself, the Common Council shall e the tax or assessment so set aside or declared void, to e-levied in such manner as they shall by resolution direct: *vided*, That if the defect was in the assessment, the same l be again assessed at such time as the Common Council direct; and the said tax or assessment so re-assessed e-levied shall be and continue a lien upon said lot, or t, and shall be collected as other taxes and assessments collected under this Act.

Deeds for tax sales

sec. 18. All deeds purporting on their face to be execu- on account of sale for taxes or assessment under this , shall be in all cases *prima facie* evidence of the valid- of such tax; and if the title conveyed by such deed ll come in question, shall be *prima facie* evidence of all s recited in such deeds so far as they affect the validity the title conveyed by such deed.

Provisions concerning assessments directory

sec. 19. All the directions hereby given for the assessing lands and the levying and collecting of taxes and assess- nts, shall be deemed only directory, and no error or infor- lity in the proceedings of any of the officers entrusted h the same, not affecting the substantial justice of the itself, shall vitiate, or in any wise affect the validity of tax or assessment.

Treasurer to receive all moneys

sec. 20. The Treasurer shall receive all moneys that may legally tendered him for the redemption of lands sold for es; and he shall keep an account thereof, and pay the e over on demand, to the person entitled to receive the e; he shall cancel all certificates so redeemed and pre- ve the same in his office, and at the expiration of his term office he shall deliver over to his successor all redemption ney in his hands, with a statement of the amount so re- ved, and to whom belonging.

Fees of treasurer

sec. 21. The Treasurer shall be entitled to the following , to wit:

ive per cent. on all sums collected on personal tax, the e to be added to the amount of the personal tax of each son taxed; and in case of a distress and sale by him of ds and chattels for the payment of any tax, he shall be itled to such fees as are allowed sheriffs on sales of goods ler execution.

or each certificate by him issued on the sale of lands for ment of taxes or assessments, ten cents, to be added to amount of such tax or assessment, and included in such tificate.

or each lot redeemed, for which he shall issue a certifi- e, twenty-five cents; five cents for each additional lot em- ced in such certificate, to be paid by the person redeem- r.

or each tax deed executed by him, one dollar; and five

cents for each additional lot or tract embraced in the same deed, to be paid by the person receiving the same. The Treasurer shall be allowed for the collection of taxes on real estate the same compensation as is allowed to tax collectors by law.

Bidding off property for taxes

SEC. 22. Whenever any person shall bid off any lot offered for sale for taxes, which may have been bid off in the name of the city for taxes of any previous year, and at the time of such subsequent sale, remains the property of the city, such person shall, before being entitled to his certificate of such sale, purchase of the city its certificate by paying the amount of principal, interest and charges thereon, and receive from the Treasurer an assignment thereof.

Tax sales to be made by treasurer

SEC. 23. All sales for taxes of property within the limits of the City of Rochester, shall be made by the Treasurer, in accordance with the provisions of this Act, for all taxes which may be levied after the passage of the same.

SEC. 24. No person shall be permitted to institute any proceedings to set aside any assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside any deed executed in consequence of the non-payment of such taxes, and of the sale of the premises therefor, unless such person shall first pay or tender to the proper party or deposit for his use with the Treasurer, the amount of all State, county and city taxes that may remain unpaid upon such lot or tract, together with the interest and charges thereon.

SEC. 25. The Assessors shall receive the same compensation as other Assessors under the laws of the State, and shall be paid by the county of Olmsted.

COUNTY AND STATE TAXES.

SEC. 26. Before the annual meeting of the Board of Supervisors of the county of Olmstead in the fall, it shall be the duty of the Recorder to cause a copy of the assessment roll of said city for such year, to be transmitted to the Clerk of the Board of County Supervisors who shall lay the same before the said Supervisors at their meeting.

County and state taxes

SEC. 27. The Board of County Supervisors shall have the right of equalizing the assessment rolls of the towns in said county and of said city, as provided by law.

Assessment—how made

SEC. 28. The said Board of Supervisors may levy a tax as now provided by law, and shall cause the amount of taxes to be levied, and the purposes to be certified to the Recorder in the manner provided by the general laws of this State; and the said Recorder shall add the amount of taxes so levied upon each separate piece or parcel of real estate, or against each person or body politic assessed for personal property, to the said tax list; the same to be placed in a separate column or columns, which shall be headed with the name of the

tax, as county, or State, or both, and shall deliver the same to the City Treasurer as hereinbefore provided.

Sec. 29. The Treasurer of the city, in giving bonds, collecting such tax, and making his returns to the county Treasurer, and in all other respects shall conform to the general laws of the State. All moneys received by the City Treasurer, from sales for taxes levied by the county Board of Supervisors, shall be paid over to the County Treasurer from time to time as the same is received.

CHAPTER XI.

COMMON SCHOOLS.

Sec. 1. The district of country limited and described in this Act as the City of Rochester, be, and is hereby made and constituted, a School District, and the same shall be under the Supervision of the Common Council of the said City of Rochester, who are hereby authorized and empowered, and it shall be their duty to make all needful rules and regulations for the support and maintenance of a common school or schools therein, with the like powers and duties as are or may be prescribed by general law for Trustees or other officers of the school districts throughout the State. School districts

Sec. 2. The Common Council shall have power to levy a tax for the support of said schools within any limit which may be imposed by general law. The amount of said tax to be levied for the fiscal year shall be determined before the confirmation of the tax list in any year, and the amount so levied upon each piece of property, real or personal, described in said list, shall be set opposite said property in a separate column, which shall be headed "School Tax." Said tax shall be collected at the same time and in the same manner as other taxes as hereinbefore provided. The school tax shall be paid out as other moneys, but shall not be applied or used for any other than school purposes. Tax for school purposes

Sec. 3. The Common Council shall not have power to levy a tax to build or buy a school house, except by a vote of a majority of the tax payers of the city.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

Sec. 1. All work for the city exceeding one hundred dollars, shall be let by contract to the lowest responsible bidder; due notice shall be given of the time and place of letting such contract, and every contract so made shall be commenced within one week of the acceptance of the proposal, unless the Common Council shall determine otherwise; *Provided*, That they shall have power to reject all unreasonable bids. City work to be done by contract

Appropriation how made

SEC. 2. No moneys shall be appropriated for any purpose whatever except such as are expressly authorized by this Act, and no vote of the Common Council shall be re-considered or rescinded at a special meeting, unless at such special meeting there be present as large a number of Aldermen as were present when such vote was taken.

SEC. 3. No penalty for judgment recovered in favor of the city shall be remitted or discharged, except by a vote of two-thirds of the Aldermen elect.

SEC. 4. All actions brought to recover any penalty or forfeiture under this Act, or the ordinances, by-laws, or police, or health regulations made in pursuance thereof, shall be brought in the corporate name of the city.

Violation of ordinances

SEC. 5. In all prosecutions for any violation of this Act, or of any by-law or ordinance of the City of Rochester, the first process shall be a warrant; *Provided*, That no warrant shall be necessary in any case of the arrest of any person or persons while in the act of violating any law of the State of Minnesota, or ordinance of the city of Rochester; but the person or persons so arrested, may be proceeded against, tried, convicted and punished, or discharged in the same manner as if the arrest had been by warrant. All warrants, process or writs issued by the City Justice for violations of any ordinance, or by-law of said city, shall run in the name of the City of Rochester, and shall be directed to the Marshal or any police officer of said city.

Fines and penalties

SEC 6. In all cases of the imposition of fine or penalty, or of the rendering of a judgment by the City Justice of said city, pursuant to any statute of the State of Minnesota, or pursuant to any ordinance or by-law of the city of Rochester as a punishment for any offence, or for the violation of any by-law or ordinance as aforesaid, the offender shall be forthwith committed to the common jail of Olmstead county, and be there imprisioned for a term not exceeding six months, in the discretion of the City Justice, unless the said fine or penalty be sooner paid; and from the time of the arrest of any person or persons for any offence whatever, until the time of the trial, the person or persons so arrested may be imprisoned in the common jail of the county of Olmstead.

Incompetent witness

SEC. 7. No person shall be an incompetent judge, justice, witness or juror by reason of his being an inhabitant of said city, in any proceeding or action in which the city shall be a party in interest.

Elections

SEC. 8. If any election by the people or Common Council shall for any cause, not be held at the time or in the manner herein prescribed, it shall not be considered reason for arresting, suspending or absolving said corporation, but such election or organization may be had on any subsequent day, by order of the Common Council, and if any of the duties enjoined by this Act, or the ordinances or by-laws of the city, to be done by any officer at any specified time, and the same are

not so done or performed, the Common Council may appoint another time at which the said acts may be done and performed.

Actions against city

SEC. 9. When any suit or action shall be commenced against said city, the service thereof may be made by leaving a copy of the process, by the proper officer, with the Mayor, and it shall be the duty of the Mayor forthwith to inform the Common Council thereof, or to take such other proceedings as by the ordinances or resolutions of said Council may be in such case provided.

Exemption of city property from sale

SEC. 10. The following property, now or at any time hereafter, belonging to said city thereof, shall be exempt from levy and sale under or by virtue of any execution: engine houses, hook and ladder houses, together with the grounds and lots upon which they are situated, and all fire engines, carriages, hooks, ladders, buckets, hose or any other fire apparatus used by any company created or authorized by the Common Council of said city; market houses and the furniture thereof, city hall and furniture of Common Council and office rooms. *Provided*, That nothing herein contained shall exempt any of the aforesaid real or personal property from levy and sale, by virtue of any execution issued on judgments rendered in favor of any person or persons who may have furnished or sold any such fire apparatus to, or on the credit of said city. Nor shall any real or personal property of any inhabitants of said city, or of any individual or corporation be levied on and sold by virtue of any execution issued to satisfy or collect any debt, obligation or contract of said city.

Grades how established

SEC. 11. The Common Council shall cause to be established under the direction of the city surveyor, the grade of all streets, sidewalks and alleys in said city, and shall cause accurate profiles thereof to be made, one of which shall be filed in the office of Register of Deeds of Olmstead county; and should the grade so established be at any time thereafter altered, all damages, costs and charges arising therefrom shall be paid by the city to the owner of any lot or parcel of land or tenement, which may be affected or injured in consequence of the alteration of such grade.

Real estate—purchase or lease of

SEC. 12. The said city may lease, purchase and hold, real and personal estate sufficient for the convenience of the inhabitants thereof, and may sell and convey the same, and the same shall be free from taxation.

SEC. 13. Real estate exempted from taxation by the laws of the State, shall be subject to special taxes or assessments, as other real estate under this Act.

SEC. 14. No law of this State, contravening the provisions of this Act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Jail fees

SEC. 15. The City of Rochester shall not be liable in any case for the board or jail fees of any person who may be com-

mitted by any officer of the city, or any magistrate, to the jail of Olmstead county, for any offence punishable under the State laws.

Road districts how constituted

SEC. 16. The Common Council may constitute road districts, and require the street commissioner thereof to collect the capitation or poll tax; such street commissioner shall have all the powers of road supervisors or overseers, as provided in the Revised Statutes of this State, and shall report to the Common Council when required; *Provided, however*, the street commissioner shall receive his compensation as such supervisor or overseer, out of the moneys collected on such poll tax; in no case shall any money be drawn from the city funds for the compensation of road masters, or for any work performed by them or under their supervision.

Liens for taxes not affected by sales or judgments &c

SEC. 17. No sale under execution or other proceedings upon a judgment, decree, foreclosure or lien, and no transfer or mortgage shall divest or affect the lien of any assessment for any tax, or for any improvements, work or benefits chargeable to or assessed against property under this Act, although the compensation of such assessment may be subsequent to the lien of such judgment, decree or other lien or to such transfer or mortgage.

Further remedies to recover payment of tax

SEC. 18. In addition to the remedies herein provided for the collection of taxes and assessments, suit may be instituted by the said city, in the District Court in and for Olmsted county, or before any Justice of the Peace residing in said city, to recover any tax or assessment for work or improvements or benefits chargeable to lots under this Act against the parties liable therefor, or owners of such property so taxed or assessed, in the same manner as other suits are instituted under the laws of this State; and in case the parties defendant cannot be found within the county of Olmsted, publication in the official newspaper of said city, of the summons for six weeks once a week, shall be deemed and be equivalent to actual service; and it shall be sufficient to state as the cause of action in the complaint, that the City of Rochester, by virtue of its corporate powers, on a certain day made and confirmed a certain assessment on certain property of the defendant or defendants, specifying the amount, the property assessed, and the nature and purpose of the assessment; and a transcript of such assessment for taxes, improvements or benefits, duly certified by the city clerk, shall be *prima facie* evidence of the facts therein set forth, and that such assessment was regular and legally and duly made, and a judgment thereon entered shall bear interest at the rate of twenty-five per cent. per annum.

Compensation of city officers

SEC. 19. The officers of said city shall not be entitled to, or receive any compensation for their services, except as in this Act provided. The Alderman shall be entitled to the same compensation as now allowed by law to inspectors of election, for services as such inspectors, to be paid by the

county of Olmstead for any special or general election held by authority of the State or county. The street commissioners shall be entitled to one dollar and fifty cents per day for all services required by this Act, but shall be paid from moneys arising from assessments for improvements, and their compensation shall be included in such assessment.

SEC. 20. The Common Council may levy a tax for the purchase of a fire engine and other necessary fire apparatus, and and the erection of necessary buildings therefor, and the construction of reservoirs, or for the purchase of real estate necessary for the city to an amount not exceeding one half of one per cent. on the valuation, including the amount hereinbefore authorized, in any one year. But such levy shall not be made until the question of making the same shall been submitted to a vote of the tax paying voters, not including capitation or poll tax, in said city. On such submission at a special election ordered therefor by the Common Council, of which ten days notice shall be given, if three-fifths of the voters voting at such election shall vote for such levy, it shall be made. But if less than three-fifths vote therefor, it shall not be made, nor the same question be again submitted to the voters of the city till after the expiration of six months. Whenever any such tax may be levied it shall be included in the tax list for the year, and collected at the time and in the manner of collecting other taxes. Tax for fire engines &c

SEC. 21. The Common Council, for the purpose of building one or more bridges in any Ward, may levy a special tax upon the real and personal estate in that Ward in which the bridge is situated, upon the petition in writing of a majority of the tax payers in such Ward, which petition shall state the amount necessary to be raised for the purpose. Such levy shall be made upon the last preceding assessment roll, and the tax collected in the same manner as other taxes, but at such time as may be directed by the Common Council. If any of said tax remains unpaid, the Treasurer shall include the same in the next sale for delinquent taxes and shall proceed as in like case under a general tax. Tax for bridges

SEC. 22. All acts and parts of acts inconsistent with this Act are hereby repealed.

SEC. 23. This Act shall take effect from and after its passage.

The first election under this Act shall be held on third Monday of August next, and the polls shall be held as follows: First election

In the First Ward in Morton Hall.

In the Second Ward at the Court House.

In the Third Ward at the house of Dr. Hunter.

The polls shall be opened at one o'clock and close at five o'clock, P. M.

The qualified voters present at the time and place for opening the polls shall choose by *viva voce* vote two Inspectors of

Elections, who shall have all the powers of Inspectors under this Act.

The officers elected at such election shall hold their offices until the first Tuesday in May, A. D. 1859, and until their successors are elected and qualified.

The powers and duties of the Supervisors of the Town of Rochester shall cease on the third Monday of August, 1858, so far as relates to the City of Rochester, but nothing herein shall effect their powers and duties so far as relates to the remainder of said town. The Justices of the Peace and other officers elected for the Town of Rochester residing in the City of Rochester, shall continue in office in the discharge of their several duties, except so far as relates to the City of Rochester, until the next annual election.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August fifth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 5, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXX.

An Act to amend an Act entitled "An Act to Incorporate the city of Hastings and to repeal its former Charter," approved June 22, 1858.

See chapter 71 page 187

SECTION 1. Amendment to Section One, Chapter Five, relating to taxable property in the city.
2. Amendment to Section Ten, Chapter Five, relating to payment of taxes.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Chapter Five, Section One, of said Act, be amended so as to read as follows: "all property, real and personal, within the city, except such as may be exempt

by the laws of this State or by ordinance of the city, shall be subject to taxation for the support of the city government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided, but such assessment shall not exceed one cent on the dollar of the real valuation, and all qualified voters shall be liable to a poll tax not exceeding one dollar in any one year, to be levied by the City Council." Property subject to taxation

SEC. 2. That Section Ten, of said Chapter Five, be amended to read as follows: "on the receipt thereof, the Collector shall give one week's notice thereof in the official paper, or shall give ten days notice thereof by posting up notices in three of the most public places in the city, such [notices] shall specify that taxes on personal property shall be paid within twenty days from the first publication of such notices, or from the first day of posting the same, and taxes and assessment, on real estate before the first of October following, that if such taxes are not paid until after the first day of October, interest shall be charged of twenty-five per cent. a year after said first day of October, upon all unpaid taxes; and that all tracts or parcels of land, or buildings specified in said tax list upon which said taxes and assessment shall not be paid by the first day of October, will be sold at a certain time and place, therein to be specified, for the payment of such taxes and assessment, and a publication posting of such notices shall be deemed a demand, and neglect to pay the tax and assessment within the time specified, shall be deemed a refusal to pay the same." Collection of taxes

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXI.

An Act to authorize the City of Hastings to convey Real Estate for County purposes.

SECTION 1. Authority to City Council to lease or dedicate public squares to Dakota County.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Lease or dedication of public square to county

SECTION 1. That the Council of the City of Hastings, in the County of Dakota, in the State aforesaid, shall have power for county purposes, to lease or to dedicate to the said County of Dakota, either one or any portion of one, but not both, nor a portion of both, of the public squares of ground, within the limits of the said city, designated upon the recorded plat thereof, as "Market Square," and "Public Square."

SEC. 2. This Act shall be in force from the date of its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
Speaker of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXII.

An Act relating to the Sheriff of Nicollet County.

SECTION 1. Acts of County Commissioners and Register of Deeds with reference to Sheriff's bond and oath of office, legalized.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the acts and doings of the Board of County Commissioners and Register of Deeds of Nicollet

County, in receiving the bonds and oath of office of Lorenzo M. Boardman, the Sheriff elect of said county, at a session of said Board, subsequently to the regular session of County Commissioners in January succeeding such election, and the qualifications of the said Boardman as Sheriff at such subsequent session, be and the same are hereby legalized and confirmed as fully to all intents and purposes as if the said Sheriff elect, had qualified at the regular session in the January preceeding. Legalization of certain acts of county board

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
Speaker of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXIII.

An Act to amend an Act entitled an Act to Incorporate the Town of La Crescent.

SECTION 1. Change of Boundary lines in the Town of La Crescent.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section one in the Act incorporating the Town of La Crescent, be amended so as to read as follows, viz: That Section ten (10), north half and the north half of the south half of fractional section eleven (11), east half of the north-east quarter of section nine (9), south half of the south half of section three (3), south half of the south-west fractional quarter of section two (2), and all of Moore and Peterson's addition lying north of the south half of the south Boundaries of La Crescent.

half of section three (3), all in township one hundred and four (104), north of range four west, and lying in Houston County, State of Minnesota, be and the same is hereby created and declared to be an incorporated town by the name of La Crescent.

SEC. 2. This Act to take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—July eighth, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor, *ad interim.*

SECRETARY'S OFFICE, Minnesota, July 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXIV.

An Act to amend Section 19, *of Chapter* 18, *of the Session Laws of the Extra Session of* 1857.

SECTION 1. Amends Section 19, defining boundaries of town of Duluth, and naming first President and Town Council.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 19 be amended so as to read: That fractional portion of Minnesota Point, lying at the northern extremity of the same, in township forty-eight and township fifty, north of range fourteen west, be and the same is hereby created a town corporate and politic, by the name and style of Duluth, and the corporate name of the town organization shall be the "Town Council of the Town of Duluth." That William Nettleton is hereby appointed the first President, J. B. Culver, Recorder, and R. E. Jefferson, E. H. Rice and William Ord, Trustees; who shall hold their offices until their successors are elected and qualified, and said Town Council may fill or vacate such offices at pleasure.

Boundaries of Duluth

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER LXXXV.

An Act amending an Act in relation to Free Schools in the town of Minneapolis, "passed May 23, 1857," and relating to the collection of taxes therin.

SECTION 1. Amendment to Section 10, relating to the collection of School Taxes.
2. Acts of Trustees of District No. 1, relating to assessing and collecting of tax legalized.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section ten, (10,) of the act entitled "An Act in relation to Free Schools in the town of Minneapolis," passed May 23, 1857, is hereby amended so as to read as follows: All taxes assessed in pursuance of this Act, shall be collected by the Collector of taxes for the town of Minneapolis, upon a warrant issued by the Board of Education and Town Council of said town of Minneapolis, or by civil action, in like manner as other district taxes in the State are, or may be authorized by law to be collected. Collection of school tax

SEC. 2. The acts of the late Trustees of School District No. One, in said county of Hennepin, now comprised in the town of Minneapolis, in reference to the assessment and collection of taxes, are hereby declared in all respects legal and Acts of trustees legalized

valid, and any and all warrants issued by them for the collection of School taxes, upon which any portion of such taxes remain unpaid, and uncollected, shall be returned to the Board of Education of said town, who shall renew the same to the Collector of taxes of said town, who shall thereupon proceed to collect such unpaid taxes in the manner required by law for the collection of School taxes, and return the moneys collected, and his proceedings thereon to said Board of Education.

SEC. 3. This Act shall take effect immediately.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE.
President of the Senate.

APPROVED—July twenty-sixth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXVI.

An Act to establish Township Organization in the County of Goodhue.

SECTION 1. Action of voters in certain townships organized into Towns, legalized.
2. Appointment of Commissioners to divide the County into Towns.
3. Notice of elections held for Town Officers to be given to Supervisors within fourteen days.
4. Meeting of Board of Supervisors.

Be it enacted by the Legislature of the State of Minnesota:

Acts of voters legalized

SECTION 1. The action of the legal voters of those townships in the county of Goodhue, that were organized into towns on the 11th day of May, A. D. 1858, in accordance with an Act entitled an Act to provide for Township Organization, approved March 20th, 1858, except without due election notice by the County Commissioners is hereby declared

egal, and each and all of the officers then elected in said own shall be deemed the regular and legitimate officers of he same.

Sec. 2. Martin S. Chandler, William P. Tanner, and Jesse cIntire, are hereby appointed Commissioners to perform n all respects, the duties that devolved upon the County Commissioners by the above named Act. They shall divide he county into towns within twenty days after the passage f this Act. *Provided*, That no division shall be made of those ownships or fractional townships in which an election of own officers was held, pursuant to previous notice on the 1th day of May last. They shall cause notices to be posted n the several unorganized townships for an election for town ffices to be held on the first Monday in July, at least six lays prior to such election.

Commissioners to devide county into townships

Sec. 3. It shall be the duty of the chairman of the Board f Supervisors of the several towns in which an election of own officers has been held, to give notice of the same in writing to at least one of the above named Commissioners, within fourteen days after the passage of this Act, and if the Supervisors of any town fail to give such notice, the said own shall be deemed unorganized, and the election of its fficers shall be void.

Notice of elections for town officers

Sec. 4. The Board of Supervisors are hereby authorized o meet at the office of the Register of Deeds, on the second Monday in July, for the transaction of business as a Board of County Supervisors.

Sec. 5. This Act shall take effect and be in force from and fter its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

Approved—June twenty-first, one thousand eight hundred nd fifty-eight.

H. H. SIBLEY.

ecretary's Office, Minnesota, }
June 21, 1858. }

I hereby certify the foregoing to be a true copy of the riginal on file in this office.

Francis Baasen, Secretary of State.

CHAPTER LXXXVII.

An Act to authorize the Trustees of School District No. 1, in Steele County, to raise money for certain purposes.

SECTION 1. Authority to levy a tax for the erection of School Building.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Tax levy for school building

SECTION 1. That School District number one in Steele County, is hereby authorized to levy a tax upon the taxable property of said district of an amount not exceeding twenty-five hundred dollars, for the purpose of erecting a school house for said district, said tax to be collected according to the provisions of existing laws on this subject. *Provided*, That if the said district shall choose to do so, it is hereby authorized to borrow money to the above amount on the faith and credit of the district, and for the purposes above stated.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty, one thousand eight hundred and fifty-eight. HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER LXXXVIII.

An Act to amend an Act entitled "An Act to Incorporate the Little Falls Manufacturing Company".

SECTION 1. Amendment to Sec. 2. Business of Company, how designated—Management of affairs by Directors.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section two of the Act entitled "An Act

to Incorporate the Little Falls Manufacturing Company," approved March 1st, 1856, be amended so as to read as follows: Business how designated—

Section 2. The business of said company shall be defined by the by-laws thereof, and may extend to the manufacture of flour, lumber, and of any and all articles which said company may deem proper, and shall be conducted under the management and supervision of a board of five directors, to be elected by the said corporators and their successors, in such manner and at such times, and shall perform such duties as may be prescribed by the laws of said company. Said Directors shall choose a President, Secretary, and such other officers as the by-laws of said company may prescribe. The President shall in all cases be one of the number of said directors. management of affairs

Sec. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representives.
WILLIAM HOLCOMBE,
President of the Senate.

Approved—June fifteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

Secretary's Office, Minnesota, June 15, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

Francis Baasen, Secretary of State.

CHAPTER LXXXIX.

An Act to protect Fish in Green Lake in Chisago County.

Section 1. Fishing by sein or net in Green Lake is prohibited.
2. Penalty for violation of this Act.
3. Suits may be commenced by parties having knowledge of violation.
4. Act takes effect after September 1, 1858.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That all persons are hereby forbid to take any Fish out of the waters of Green Lake in Chisago County, with sein or net. Fishing in Green Lake prohibited—

Sec. 2. That any and all persons upon being convicted of a violation of the provisions of this Act, shall pay a fine of not more than twenty-five (25) dollars nor less than five penalty

(5) dollars, which fine shall be paid into the school fund in the County of Chisago.

SEC. 3. Suits may be commenced and prosecuted by any person having knowledge of the violation of this Act.

SEC. 4. This Act shall take effect from and after the first day of September, A. D. 1858.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XC.

An Act to amend an Act for the incorporation of the Minneapolis Mill Company, approved February 27th, 1856.

SECTION 1. Amendment to Section eight, relating to the shares of capital stock, and their payment.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Assessments on capital stock—provisions in case of non payment

SECTION 1. That the eighth Section of the Act incorporating the Minneapolis Mill Company, approved February twenty-seventh, eighteen hundred and fifty-six, be amended by adding to the end of said section the following provisions: And all shares of the capital stock of said company, issued to or holden or owned by any person or persons whatsoever, upon which any assessment or assessments shall remain unpaid after due notice of said assessment or assessments to be given in a manner and for a period prescribed in or by the by-laws of said company, may be sold by said company or its proper officer, designated by said by-laws, under such

regulations and in such quantity as the said by-laws shall determine, and in all cases of delay in the payment of assessments upon the capital stock in said company, the President and Directors shall have power by resolution or by-laws to fix the rate of interest to be paid, where said assessments are not paid within a certain time, to be prescribed by said by-laws; *Provided*, Such rate per cent. shall not exceed two per cent. per month, and the interest so determined shall be taken and held to be a part of said assessment or assessments, and may be collected in like manner; *Provided, however*, That the owner or owners, holder or holders of any of said stock, upon which assessments shall not have been paid, may pay the same at any time before the day of sale, by paying in addition thereto all costs and expenses which shall have accrued by reason of the delay in the payment thereof.

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-second one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCI.

An Act to Legalize certain acts of the President of the Town of Bancroft.

SECTION 1. Acts of President of Town Council Legalized.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the notice of the entry of the town of Bancroft, at the United States Land Office, at Chatfield, for

the relief and benefit of the rightful claimants thereof, which has been given by the President of said town, be and hereby is declared to be legal and sufficient.

Entry of town site legalized

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCII.

An Act to legalize the election of Town Council and the Board of Education of the Town of Minneapolis, held in and for said Town on the 7th day of June, A. D. 1858.

SECTION 1. Legalizes a certain election for Town Council and Board of Education.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Election of town council and board of education pledged

SECTION 1. The election held on the seventh day of June, one thousand eight-hundred and fifty-eight, in the town of Minneapolis, in the county of Hennepin, for the purpose of choosing the officers composing the Town Council of the said town, and also the officers composing the Board of Education of the town of Minneapolis, is hereby declared to be in all respects legal and valid, and the several persons declared elected at such election to the respective offices in said town, shall respectively, if qualified, or as soon as qualified, be deemed and regarded as duly chosen to such offices, with the like power and effect, and for the same period as though they had been legally elected.

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCIII.

An Act to authorize the re-survey of the Town of Senterville.

SECTION 1. Survey of the Town of Senterville authorized.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall be lawful for the town company of Senterville, to have said town re-surveyed and platted, and shall file a plat of said re-survey with the Register of Deeds of Meeker County, and have it recorded according to law. Re-survey of town to be made

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June seventeenth, one thousand eight hundred and fifty eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 17, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCIV.

An Act to amend an Act entitled an Act to Incorporate the Town of Senterville.

SECTION 1. Officers and Town Council named.
2. Time of town election changed.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Officers and town council named

SECTION 1. That O. S. Senter shall be the first President, Albert Staples Recorder, Dudley French, Hercules Dan, Orlen Farwell, Trustees of, and shall constitute the first town council of said town, and hold their office until their successors are duly elected and qualified.

Time of holding election

SEC. 2. That the time of holding the town election shall be changed from the first Wednesday in April, to the first Tuesday in January, 1859.

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June seventeenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE Minnesota, June 17, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCV.

An Act to authorize School District No. 26, in Hennepin County, to raise money for certain purposes.

SECTION 1. School District No. 26, in Hennepin County, authorized to raise money by tax for erection of School House.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That School District No. twenty-six (26,) in

Hennepin County, is hereby authorized and empowered to raise money, not to exceed the sum of eight hundred dollars, on the taxable property of said district, to defray the expenses of a School House erected for the use of said district. Authority to raise money by tax

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE, Governor *ad interim*.

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCVI.

An Act authorizing the Board of Education of the town of Minneapolis to borrow money.

SECTION 1. Authority to borrow money for School purposes, if agreed to by a majority of the electors at an election to be called.
2. Bonds of the Board to be issued in case of money being borrowed—form of bonds—tax for payment of interest.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Board of Education of the town of Minneapolis, in the county of Hennepin, and their successors in office, are hereby authorized to borrow, on the credit of the Minneapolis School District, such sums of money not exceeding in the aggregate the sum of ten thousand dollars, and on such terms as shall seem to said Board most expedient for the interest of said district, for the purpose of purchasing such sites, as may be lawfully designated, and erecting thereon such school house or school houses, and other necessary buildings for school purposes, as may be determined upon by a majority of said Board, also for the purpose of paying the Authority to borrow money by vote of people—election how conducted

present indebtedness of the said School District; *Provided*, That before any bonds shall be issued or money borrowed for either of said purposes, the said Board of Education shall call an election, of which at least ten days notice shall be given, which notice shall be posted up in at least four conspicuous places in said town, and inserted at least twice, in the paper published in said town or in the city of Saint Anthony, stating briefly, but definitely, the amount of bonds to be issued, and the object to which the same are to be applied, also, what shall constitute the ticket to be used at such election for and against the issue of such bonds; and if a majority of the legal voters present, and voting at such election, vote for the issue of bonds, then said Board of Education may issue the same and apply them to the purposes specified in such notice, and for no other purpose whatever; but if a majority of the legal votes cast at such election, shall be against the issue of bonds, then no bonds shall be issued, or money borrowed under this Act for the purposes mentioned in such notice. If the question of borrowing money or issuing bonds to pay any indebtedness of the district, shall be submitted to a vote of the people, it shall either be submitted separately, or if in connection with any other purpose, the tickets shall be so arranged that the people may vote on that question independent of any other; and at all elections under this Act, the Trustees of said town or any two of them, shall be Judges, and the Clerk of the Town Council, or in his absence, some person to be appointed by the Judges, shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four o'clock in the afternoon of the same day; and at the close of the polls, the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof.

Bonds of the board of education how issued—tax for payment of interest

SEC. 2. In case any money shall be borrowed under the provisions of this Act, the Board of Education shall issue their bond or bonds, executed in their name of office, binding themselves and their successors in office, for the payment of such sums as may be borrowed, and upon such terms as may be agreed upon, which said bond or bonds, shall be attested by the Clerk of said School District; and said bonds so issued as aforesaid, shall be a lein upon all the taxable property in said School District until the principal and interest of the same shall be fully paid and satisfied, and as the said bond or bonds shall become due. The Board of Education of said School District is authorized to assess upon, and cause to be collected, from the taxable property in said district, in the same manner that other taxes are assessed and collected by law, sufficient money to pay and satisfy the same; *Provided*, That the interest agreed to be paid on said bonds or money borrowed, shall not exceed twelve per cent. per annum, and

that said bonds shall not be sold or otherwise disposed of by said Board, at less than par.

SEC. 3. This Act shall take effect immediately.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCVII.

An Act to extend the time for the Collection of Taxes in Dakota County.

SECTION 1. Time for Collection of tax for 1857 extended to first Monday in October, 1858.
2. Return to be made on first Monday of November, 1858.
3. Sale of lands for unpaid taxes to be made on first Monday of December, 1858.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the time for the collection of taxes in Dakota county for the year 1857, be and the same is hereby extended to the first Monday in October, 1858; *Provided*, That if any person against whom any tax remains unpaid, shall be about to change his residence from said county, then the Collector of taxes for said county shall proceed to collect the taxes standing against such person according to the laws in force previous to the passage of this Act. Time for collection of taxes extended

SEC. 2. The Collector of taxes for the said county of Dakota, shall make his returns to the proper authorities on the first Monday in November, 1858, and the said Collector shall immediately pay over to the proper authority, all the taxes collected by him previous to the passage of this Act. Return—when to be made

SEC. 3. No land or other property in Dakota county shall be sold for the taxes of 1857 prior to the first Monday of De-

Tax sales when to be held

cember, 1858, at which time the sale of lands for unpaid taxes for 1857, shall be made according to the provisions of existing laws for the sale of lands for unpaid taxes, and the conveyance and redemption thereof.

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCVIII.

An Act to amend an Act entitled an Act to Incorporate the Minnesota Central University, passed and approved March fourth, one thousand eight hundred and fifty-four.

SECTION 1. Amendment to Section 12, Chapter 36, of Laws of 1854—Meetings of Trustees.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section twelve of Chapter thirty-six of the laws of 1854, be amended so as to read as follows:

Meeting of Trustees

SEC. 12. The Board of Trustees may meet on their own adjournment, any five of whom shall constitute a quorum for the transaction of business, and the President, with the concurrence of two Trustees, or any four Trustees, may call special meetings of the Board by giving notice to the members thereof, in writing, or otherwise, at least ten days before the time of such meeting. And any Trustee may be removed for neglect of duty for more than one year.

SEC. 2. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor, *ad interim.*

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCIX.

An Act to authorize the Common Council of the City of St. Paul, to issue Bonds for certain purposes.

SECTION 1. Common Council authorized to issue Bonds of city, on demand of Board of Education.
2. Manner of issuing bonds.
3. Prohibits the bonds from being negotiated at a less rate than their par value.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Common Council of the City of St. Paul shall have authority, and are hereby authorized and required, on demand of the Board of Education of St. Paul, to issue Bonds of said city to an amount not exceeding ten thousand dollars, bearing interest at the rate of twelve per cent. per annum, and payable at any time not exceeding five years after the date thereof. Authority to issue bonds for board of education

SEC. 2. Said Bonds shall be issued by said Common Council and signed by the Mayor of said city, and Clerk of the Common Council to the Board of Education of the city of St. Paul, payable to their order, and shall be charged to and be paid out of the school fund of the city of St. Paul, and said Common Council shall make provision for the payment of the principal and interest of said Bonds, when the same shall become due or payable. Manner of issuing bonds

Bonds to be sold at par

SEC. 3. Said Board of Education shall not sell or negotiate said Bonds, or any part thereof, at less than par, and the faith and credit of the city of St. Paul shall be pledged for the payment thereof.

SEC. 4. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER C.

An Act to Amend an Act entitled An Act to Incorporate the Minnesota and Northwestern Railroad Company, approved May 23, 1857.

SECTION 1. Amendments to Sections two and sixteen, designating the points in the line of Railroad, and restriction as to time of completion
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section two and Section sixteen of said Act be amended so as to read as follows:

Location of line of railroad

The said corporation are hereby empowered to locate and construct a railway from a point on the Iowa line West of Range Thirteen, West of the fifth principal meridian, via Leroy, Austin, Wilton, Mankato and South Bend to New Ulm on the Minnesota River, thence by the most advantageous and eligible route to Big Stone Lake, and to connect with the railroad to be constructed from Minneapolis to a point between the foot of Big Stone Lake and the mouth of the Sioux Wood River.

SEC. 16. If said company shall not organize within two years from the passage of this Act, and actually commence building said railway within three years from their said organization, and complete the same to New Ulm within seven years from said organization, and complete the whole of said railway within fifteen years from their said organization then this Act shall be null and void, as to all that portion of said railway not completed, within the above specified time, or times; but this company shall not be dissolved by the completion of any portion of said railway as to the portion completed at the time, but shall continue to exist and be valid to all intents and purposes for the parts or portions of said completed railway, and the said company shall continue to survive to that extent and no further. Organization of company—provisions

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-third, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CI.

An Act to provide for the laying out of certain State Roads in the State of Minnesota.

SECTION 1 to 28. Appointment of Commissioners to locate and establish State Reads named.
29. Meeting of Commissioners.
30. Failure of Commissioners to act; associates authorized to elect substitutes.
31. Expenses of location to be paid by Counties through which roads may pass.
32. Plats of roads to be deposited in office of Register of Deeds of the counties interested.
33. Account of expenses incurred to be filed with Clerk of the Board of Supervisors.
34. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That R. H. Kennedy, P. W. Savage and L. H.

Commissioners appointed to establish state road from Carver to Helen

Griffin, are hereby appointed Commissioners to locate, survey and establish a State road from Carver, in Carver county, via Young America, to the west line of the town of Helen, in McLeod County.

Oscar Smith's to Princeton

SEC. 2. That Hugh Wiley, Heason Weeks and Judge Spencer, are hereby appointed Commissioners to locate, survey and establish a State road as follows, to-wit: from Oscar Smith's on the road from Anoka to Princeton, to the town of Cambridge; also from Cambridge via Lexington to Princeton.

From Fillmore to Spring Valley

SEC. 3. That George Decow, Fayette Phillips, and Harvey Cortis, are hereby appointed Commissioners to locate, survey and establish a State Road from Fillmore, in Fillmore county, to Spring Valley.

From Clearwater to Cold Spring

SEC. 4. That W. H. Davis, John Farwell and Seth Turner, are hereby appointed Commissioners to locate, survey and establish a State road from Clearwater, via Senterville, to Cold Spring on Sauk River.

From Centerville to Westport

SEC. 5. That O. S. Senter, O. Farwell and Alexander Moore, are hereby appointed Commissioners to locate, survey and establish a State road from Senterville, via Sauk Center to Westport.

From Clearwater to Princeton

SEC. 6. That E. Pratt, —— Holton and Simon Stevens, are hereby appointed Commissioners to locate, survey and establish a State road from Clearwater, via Groton, to Princeton.

From Faxon to Glencoe

SEC. 7. That Patrick Mullin, Edward Doulon, and John Shawincy, are hereby appointed Commissioners to locate, survey and establish a State road from Faxon in Sibley county, via Washington Lake, to Glencoe, in McLeod county.

From Meriden to Woodruff's

SEC. 8. That W. H. Granger, Ezra M. Bond and P. B. Davy, are hereby appointed Commissioners to locate, survey and establish a State road from Meriden in Steele county, via Otisco to Woodruff's, or near the head of the Big Cob River.

From Taylor's Falls to Elk River

SEC. 9. That L. O. Tombler, Willard Robbins and John Jameson, are hereby appointed Commissioners to locate, survey and establish a State road from Taylor's Falls, via Chisago City, Wyoming and St. Francis, to Elk River. The said Commissioners shall intersect the county road as laid out and established from Taylor's Falls to Wyoming, at or near the town of Wyoming.

From Anoka to Cambridge

SEC. 10. That S. H. Varney, Millard Robbins and John P. Owens, are hereby appointed Commissioners to locate, survey and establish a State road from Anoka, via St. Francis, to Cambridge, on the east side of Rum River.

From South Bend to Nicollet

SEC. 11. That D. E. Evans, Robert Grier and Ezra Post, are hereby appointed Commissioners to locate, survey and establish a State road from South Bend, Blue Earth county, to the town of Nicollet, Nicollet county.

From Shetlock Lake to South Bend

SEC. 12. That Geo. W. Armstrong, F. C. Sivig and Andrew F. Strone, are hereby appointed Commissioners to lo-

e, survey and establish a State road from Shetlock Lake way of Linden, to South Bend.

From Princeton to Forrest City

Sec. 13. That M. C. Ireland, Jno. S. Wilson, and —— — are hereby appointed Commissioners to locate, survey l establish a State road from Princeton to Forest City, via Augusta.

From Clear Lake to Richmond

Sec. 14. That F. W. Wilson, —— Wheeler and M. C. land, are hereby appointed Commissioners to locate, sur- and establish a State road from Clear Lake in Sherburne nty, to Richmond, via St. Augusta.

From Anoka to St Francis

Sec. 15. That the road recently surveyed and located by gh Spencer, County Surveyor of Anoka county, from oka to St. Francis on the west side of Rum River is here- established and declared to be a State road.

From Breckenridge to Shayenne River

Sec. 16. That Geo. Hallister, S. S. Wells, and F. H. Bar- t, are hereby appointed Commissioners to locate, survey l establish a State road from Breckinridge, by way of aham's Point, to a point near the mouth of the Shayenne ver.

From South Bend to Blue Earth City

Sec. 17. That Jno. H. Goodsell, Cyrus Nelson and C. H. hitford, are hereby appointed Commissioners to locate, rvey and establish a State road from South Bend, Blue rth county, to Blue Earth City, Faribault county.

From Vernon to Odessa

Sec. 18. That Hosea S. True, Edward P. Childs and James nnell, are hereby appointed Commissioners to locate, sur- and establish a State road from Vernon, via Blue Earth nty, to Odessa, in Jackson county.

From section 8 Ramsey county to Fort Snelling

Sec. 19. That Paris Smith, Isaac Rose and J. J. Sicotte, hereby appointed Commissioners to locate, survey and ablish a State road from the western line of Section 8, wnship 28, north of Range 23 west, in Ramsey county ; nce east to a point of intersection of the proposed road ding from St. Paul to Fort Snelling.

From Mankato to between ranges 31 and 33

Sec. 20. That I. Brayton, N. S. Sharp, Wm. H. Budd, hereby appointed Commissioners to locate survey and ablish a State road from Mankato to the south line of the te between Ranges 31 and 33, via Fairmount, county t of Martin county.

From Clearwater to Marine Prairie

Sec. 21. That John McLeod, J. M. Fuller and O. Farwell, hereby appointed Commissioners to locate, [survey] and ablish a State road from some point in the town of Clear- ter to Marine Prairie.

From Rochester to Faribault

Sec. 22. That Fletcher Huyler, William Wood and Hiram ompson, are hereby appointed Commissioners to locate, rvey and establish a State road from Rochester, via Ros- e and Kenyon, to Faribault.

From Rice Lake to Medford

Sec. 23. That R. G. Lincoln, Wallace Wilkins, and Elijah own, are hereby appointed Commissioners to locate, sur- y and establish a State road from Rice Lake to Medford, Steele county.

Sec. 24. That D. P. Cornell, C. G. Berry and O. N. Gard-

CHAPTER XCIV.

An Act to amend an Act entitled an Act to Incorporate the Town of Senterville.

SECTION 1. Officers and Town Council named.
2. Time of town election changed.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Officers and town council named

SECTION 1. That O. S. Senter shall be the first President, Albert Staples Recorder, Dudley French, Hercules Dam, Orlen Farwell, Trustees of, and shall constitute the first town council of said town, and hold their office until their successors are duly elected and qualified.

Time of holding election

SEC. 2. That the time of holding the town election shall be changed from the first Wednesday in April, to the first Tuesday in January, 1859.

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June seventeenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE Minnesota, June 17, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCV.

An Act to authorize School District No. 26, in Hennepin County, to raise money for certain purposes.

SECTION 1. School District No. 26, in Hennepin County, authorized to raise money by tax for erection of School House.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That School District No. twenty-six (26,) in

Hennepin County, is hereby authorized and empowered to raise money, not to exceed the sum of eight hundred dollars, on the taxable property of said district, to defray the expenses of a School House erected for the use of said district. Authority to raise money by tax

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE, Governor *ad interim*.

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCVI.

An Act authorizing the Board of Education of the town of Minneapolis to borrow money.

SECTION 1. Authority to borrow money for School purposes, if agreed to by a majority of the electors at an election to be called.
2. Bonds of the Board to be issued in case of money being borrowed—form of bonds—tax for payment of interest.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Board of Education of the town of Minneapolis, in the county of Hennepin, and their successors in office, are hereby authorized to borrow, on the credit of the Minneapolis School District, such sums of money not exceeding in the aggregate the sum of ten thousand dollars, and on such terms as shall seem to said Board most expedient for the interest of said district, for the purpose of purchasing such sites, as may be lawfully designated, and erecting thereon such school house or school houses, and other necessary buildings for school purposes, as may be determined upon by a majority of said Board, also for the purpose of paying the Authority to borrow money by vote of people—election how conducted

present indebtedness of the said School District; *Provided*, That before any bonds shall be issued or money borrowed for either of said purposes, the said Board of Education shall call an election, of which at least ten days notice shall be given, which notice shall be posted up in at least four conspicuous places in said town, and inserted at least twice, in the paper published in said town or in the city of Saint Anthony, stating briefly, but definitely, the amount of bonds to be issued, and the object to which the same are to be applied, also, what shall constitute the ticket to be used at such election for and against the issue of such bonds; and if a majority of the legal voters present, and voting at such election, vote for the issue of bonds, then said Board of Education may issue the same and apply them to the purposes specified in such notice, and for no other purpose whatever; but if a majority of the legal votes cast at such election, shall be against the issue of bonds, then no bonds shall be issued, or money borrowed under this Act for the purposes mentioned in such notice. If the question of borrowing money or issuing bonds to pay any indebtedness of the district, shall be submitted to a vote of the people, it shall either be submitted separately, or if in connection with any other purpose, the tickets shall be so arranged that the people may vote on that question independent of any other; and at all elections under this Act, the Trustees of said town or any two of them, shall be Judges, and the Clerk of the Town Council, or in his absence, some person to be appointed by the Judges, shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four o'clock in the afternoon of the same day; and at the close of the polls, the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof.

Bonds of the board of education how issued—tax for payment of interest

SEC. 2. In case any money shall be borrowed under the provisions of this Act, the Board of Education shall issue their bond or bonds, executed in their name of office, binding themselves and their successors in office, for the payment of such sums as may be borrowed, and upon such terms as may be agreed upon, which said bond or bonds, shall be attested by the Clerk of said School District; and said bonds so issued as aforesaid, shall be a lein upon all the taxable property in said School District until the principal and interest of the same shall be fully paid and satisfied, and as the said bond or bonds shall become due. The Board of Education of said School District is authorized to assess upon, and cause to be collected, from the taxable property in said district, in the same manner that other taxes are assessed and collected by law, sufficient money to pay and satisfy the same; *Provided*, That the interest agreed to be paid on said bonds or money borrowed, shall not exceed twelve per cent. per annum, and

that said bonds shall not be sold or otherwise disposed of by said Board, at less than par.

SEC. 3. This Act shall take effect immediately.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCVII.

An Act to extend the time for the Collection of Taxes in Dakota County.

SECTION 1. Time for Collection of tax for 1857 extended to first Monday in October, 1858.
2. Return to be made on first Monday of November, 1858.
3. Sale of lands for unpaid taxes to be made on first Monday of December, 1858.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the time for the collection of taxes in Dakota county for the year 1857, be and the same is hereby extended to the first Monday in October, 1858; *Provided*, That if any person against whom any tax remains unpaid, shall be about to change his residence from said county, then the Collector of taxes for said county shall proceed to collect the taxes standing against such person according to the laws in force previous to the passage of this Act. Time for collection of taxes extended

SEC. 2. The Collector of taxes for the said county of Dakota, shall make his returns to the proper authorities on the first Monday in November, 1858, and the said Collector shall immediately pay over to the proper authority, all the taxes collected by him previous to the passage of this Act. Return—when to be made

SEC. 3. No land or other property in Dakota county shall be sold for the taxes of 1857 prior to the first Monday of De-

Tax sales when to be held

cember, 1858, at which time the sale of lands for unpaid taxes for 1857, shall be made according to the provisions of existing laws for the sale of lands for unpaid taxes, and the conveyance and redemption thereof.

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCVIII.

An Act to amend an Act entitled an Act to Incorporate the Minnesota Central University, passed and approved March fourth, one thousand eight hundred and fifty-four.

SECTION 1. Amendment to Section 12, Chapter 36, of Laws of 1854—Meetings of Trustees.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section twelve of Chapter thirty-six of the laws of 1854, be amended so as to read as follows:

Meeting of Trustees

SEC. 12. The Board of Trustees may meet on their own adjournment, any five of whom shall constitute a quorum for the transaction of business, and the President, with the concurrence of two Trustees, or any four Trustees, may call special meetings of the Board by giving notice to the members thereof, in writing, or otherwise, at least ten days before the time of such meeting. And any Trustee may be removed for neglect of duty for more than one year.

SEC. 2. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor, *ad interim.*

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER XCIX.

An Act to authorize the Common Council of the City of St. Paul, to issue Bonds for certain purposes.

SECTION 1. Common Council authorized to issue Bonds of city, on demand of Board of Education.
2. Manner of issuing bonds.
3. Prohibits the bonds from being negotiated at a less rate than their par value.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Common Council of the City of St. Paul shall have authority, and are hereby authorized and required, on demand of the Board of Education of St. Paul, to issue Bonds of said city to an amount not exceeding ten thousand dollars, bearing interest at the rate of twelve per cent. per annum, and payable at any time not exceeding five years after the date thereof. Authority to issue bonds for board of education

SEC. 2. Said Bonds shall be issued by said Common Council and signed by the Mayor of said city, and Clerk of the Common Council to the Board of Education of the city of St. Paul, payable to their order, and shall be charged to and be paid out of the school fund of the city of St. Paul, and said Common Council shall make provision for the payment of the principal and interest of said Bonds, when the same shall become due or payable. Manner of issuing bonds

APPROVED—July the twentieth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CVII.

An Act to amend an Act entitled An Act to establish the county of Kanabec.

SECTION 1. Amendment to Sec. 1, defining the boundaries of Kanabec county.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section one of H. of R. No. 26, [Chapter 56, page 136,] an Act to establish the county of Kanabec, approved March 13th, 1858, shall read as follows:

Amendment to sec 1 defining the boundaries of Kanabec county.

That so much of the county of Pine and State of Minnesota, as lies within the following boundaries be, and the same is hereby established as the county of Kanabec: Beginning at the south-east corner of township thirty-eight (38), range twenty-three (23), west; thence west to the south-west corner of township thirty-eight (38), range twenty-five (25) west; thence north to the north-west corner of township forty (40), range twenty-five (25) west; thence east to the south-west corner of township forty-one (41), range twenty-four (24) west; thence north to the north-west corner of township forty-two (42), range twenty-four (24) west; thence east to the north-east corner of township forty-two (42), range twenty-two (22) west; thence south to the south-east corner of township forty-one (41), range twenty-two (22) west; thence west to the north-east corner of township forty (40), range twenty-three (23) west; thence south to the place of beginning. The county seat of said county is hereby located at Brunswick.

GEORGE BRADLEY,
Speaker of the House of Representatives
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-seventh, one thousand eight hundred and fifty-eight.

H. H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CVIII.

An Act to Authorize the Common Council of the City of St. Paul to issue Bonds to Connect the Levee between the Upper and Lower Landing in said City.

SECTION 1. Common Council authorized to issue Bonds for construction of Levee.
2. Bonds to be in sums of not less than five hundred dollars, with interest payable semi-annually.
3. Council may direct the issuing of bonds by resolution. Appoint suitable person to negotiate the same. Bond to be taken.
4. Money raised by sale of bonds to be faithfully applied to purpose for which they were issued.
5. Receipts for wharfage pledged for payment of interest, and sinking fund for principal.
6. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Common Council of the City of St. Paul, is hereby authorized and empowered to issue bonds of said city to an amount not exceeding twenty thousand dollars, bearing interest not to exceed twelve per cent. per annum, and for a time not less than ten years, which bonds so issued shall be for the sole purpose of raising money to be expended in constructing a levee from Minnesota street to Market street in said city; *Provided*, that such bonds shall not be issued unless the issuance of the same shall be necessary for the completion of the works contemplated in this Act. Authority to issue bonds

SEC. 2. The bonds issued under and by virtue of this Act shall be signed by the Mayor of said city and countersigned by the Clerk and Comptroller, under the corporate seal of said city, and shall be in sums of not less than five hundred dollars each, with interest payable semi-annually at such place as the Common Council may determine. Denomination of bonds and interest

Council may direct the issuing of bonds and have them negotiated

SEC. 3. The Common Council of said city may at any regular meeting direct, by resolution, the Mayor to sign, and the Clerk and Comptroller to countersign, the whole amount of bonds authorized to be issued by this Act, or such a part thereof as the Board may determine; and the Common Council may authorize or employ a suitable person to negotiate the bonds so directed to be issued, and to place the proceeds thereof in the treasury of said city; but before such persons shall receive said bonds, or be entrusted with them for negotiation, he shall execute his bond to the city with good and sufficient securities, in the penal sum of double the amount of the city bonds so to be entrusted to him, at any one time, conditioned for a faithful performance of his duty and a strict accountability for all moneys received by him from the sale of said city bonds; which bond shall be approved by the Common Council and filed in the office of the Treasurer of said city; and the Common Council shall fix, by a resolution, the compensation of such person; *Provided*, however, he shall not receive, including all expenses, to exceed one per cent. on the amount of city bonds negotiated by him.

Application of the funds received

SEC. 4. It shall not be lawful for the Common Council of said city to pay out or expend in any way the money raised by the city from the sale of said bonds, except in the manner and for the purposes described in this Act; nor shall the funds thus raised be subject in any way to the payment of any claim against the said city of St. Paul, except as herein prescribed.

Wharfage receipts pledged for interest and principal

SEC. 5. To secure the punctual payment of the interest on the bonds provided for in this Act, and also to secure the like payment of interest on bonds to the amount of thirty thousand dollars heretofore issued for levee purposes, all receipts for wharfage shall be applied exclusively for the payment of such interest. *And provided further*, that if such receipts for wharfage shall exceed the amount necessary for the payment of the interest as aforesaid, the excess of receipts thence accruing, shall be used in returning [redeeming] the bonds of the city issued for levee purposes, or invested in State or United States stocks, and shall constitute an inviolable sinking fund for the payment of the principal.

SEC. 6. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.

RICHARD G. MURPHY.
President *pro tem* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHARLES L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHARLES L. CHASE, Secretary.

CHAPER CIX.

An Act to authorize the Common Council of the city of Saint Paul to issue bonds for the construction and completion of the Franklin Street Sewer.

SECTION 1. Common Council authorized to issue bonds in lieu of certificates for construction of Sewer through Franklin Street.
2. Special tax authorized for interest and liquidation of bonds.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The Common Council of the city of St. Paul is hereby authorized and empowered, upon the recommendation of the Street Commissioners of the Third Ward of said city, to withdraw and cancel all certificates given by said commissioners to the contractor or contractors, for the construction of the sewer through Franklin street, and sewers in other streets connecting with said Franklin street sewer in said Ward; and in lieu thereof, to issue to the holder or holders of such certificates, city bonds, not to exceed in the aggregate, ten thousand dollars for the amount thereof, principal and interest bearing interest not to exceed twelve per cent. per annum, payable semi-annually at the American Exchange Bank in the city of New-York, and for a time not less than five nor more than fifteen years, in sums not less than one hundred dollars: *Provided*, however, that said Third Ward shall be liable to said city for the payment of said bonds

Bonds may be issued for construction of sewers

SEC. 2. The Common Council are authorized annually to levy a special tax not exceeding one half per cent. upon the property liable to taxation in said Third Ward, to pay the interest on said bonds and the principal thereof as the same falls due.

Special tax

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 7, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CX.

An Act to amend an Act to Incorporate the city of West Saint Paul.

SECTION 1. Amends Section Four, Chapter Five, permitting Common Council to borrow money.
2. Amend Section Thirty-Eight, Chapter Five, by allowing Ordinances to go into effect upon being posted up in three of the public places.
3. Amends Section Five, Chapter Eight, relating to grading streets.
4. Amends Section One, Chapter Four, relating to the election of city officers.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Authority to borrow money

SECTION 1. That Section Four, Chapter Five, of the Act to Incorporate the city of West Saint Paul be amended by striking out the words "and shall have no power to borrow money or contract debts," and insert "shall have power to borrow money to an amount not exceeding fifteen thousand dollars in any one year."

Relating to posting of notices

SEC. 2. Amend Section Thirty-Eight, Chapter Five, by inserting after the words "in some newspaper published in the city," "or posted up in three of the most public places in the city, and shall not be in force until the same shall have been published or posted up in the manner aforesaid for two weeks."

Sidewalks

SEC. 3. Amend Section Five, Chapter Eight, by striking out the words "side walks" and inserting the words "the same."

Justice of the peace

SEC. 4. Amend Section One, Chapter Four, in fourth [fifth] line by inserting after the word "Aldermen," "and one Justice of the Peace."

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXI.

An Act supplemental to An Act relative to "An improvement in the City of St. Paul," approved May 23, 1857, and to amend the same.

SECTION 1. Vacation of the road authorized as a continuation of Fort street to Fort Snelling.
2. Commissioners appointed to carry out provisions of this Act, and to locate and lay out a road between the points designated.
3. Commissioners heretofore appointed prohibited from further action.
4. County Board of Supervisors invested with the same authority as County Commissioners under former act.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the public street or road heretofore established by the Commissioners appointed under an act, entitled a "Bill relative to an improvement in the City of St. Paul," approved May twenty-three, eighteen hundred and fifty-seven, from the present westerly termination of Fort street in said city, to the westerly limits of said city; and thence to the ferry landing opposite Fort Snelling on the Mississippi, along said line between the termini aforesaid, be, and the same is hereby vacated. Vacation of the road authorized

SEC. 2. That D. A. J. Baker, John Smith and Isaac Rose, be, and the same are hereby appointed Commissioners to execute and carry out the requirements of said Act, so far as the same relates to the extension of Fort street, on aforesaid line, from the present westerly termination of said street to the present westerly limits of said city; thence to the ferry landing opposite Fort Snelling, and they shall proceed within twenty days from the passage of this Act, also lay out and establish the said public street or road, and shall lay out the same on the most direct practicable route, and shall proceed in the same manner, in all respects, as is provided for the Commissioners, to be appointed by the District Judge, named in said Act, and shall make a return of their doings in the manner therein prescribed. Commissioners appointed to lay out road

SEC. 3. The Commissioners heretofore appointed by the District Judge, to execute the requirements of said Act, are hereby prohibited from taking any further action under the said Act, so far as relates to the said extension of Fort street. Commissioners heretofore appointed prohibited from further action

SEC. 4. The County Board of Supervisors are hereby authorized to act in all cases where the said Act authorizes Authority of supervisors

action in the premises by the Board of County Commissioners.

Act takes effect

SEC. 5. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM. HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXII.

An Act for the protection of Fish in Lake Como.

SECTION 1. Fishing by seine or net in Lake Como prohibited.
2. Jurisdiction of cases of violation; penalty on conviction.
3. Fishing in any manner prohibited until after June 1, 1860; penalty for violation.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Fishing by seine or net prohibited

SECTION 1. From and after the passage of this Act it shall be unlawful for any person or persons to take fish from the waters of Lake Como, in Ramsey County, by means of any seine gil-net, scoop-net or any other kind of net whatsoever.

Violation—penalty

SEC. 2. Any Justice of the Peace in the County of Ramsey shall have jurisdiction of all cases arising under the provisions of this Act, and upon conviction of any person for violating the same shall impose upon such offender a penalty or fine of not less than twenty-five dollars, nor more than fifty for the first offence, and not less than fifty, nor more than one hundred dollars, for each subsequent offence, one-half of such fine to be paid to the informer, and the remainder to the county treasurer, to be applied to the support of common schools in the County of Ramsey.

SEC. 3. That prior to the first day of June, A. D. eighteen hundred and sixty, it shall be unlawful for any person by means of hook and line, out line, spear, or in any other way or manner whatsoever, to take any fish from the waters of Lake Como, and any person so offending upon conviction before any Justice of the Peace of said county, shall be subject to a fine of less than ten dollars, or more than twenty-five for the first offense, and not less than twenty-five dollars or more than fifty for each subsequent offense, one-half of said fine to be paid to the informer, and the remainder to be paid to the treasurer of said county to be applied to the support of common schools in said county. Fishing in any manner prohibited—penalty for violation

SEC. 4. This Act shall take effect and be in force from and after its passage. Act takes effect

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June the seventeenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 17, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXIII.

An Act to amend an Act to incorporate the Town of St. Cloud, approved March 1st, 1856.

SECTION 1. Amendment to Section one, defining the boundaries of the town.
2. President of Town Council directed to enter the land as a town site.
3. Survey and plat of the Town legalized.
4. Assessment against the Town lots to pay expenses of entry.
5. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Boundaries of the town

SEC. 1. That so much land in the County of Stearns and State of Minnesota as is contained in the northeast quarter of the northeast quarter of section fourteen (14), and the northwest quarter of the northwest quarter of section thirteen (13), and the northeast quarter of southwest quarter of section eleven (11), and the west half of the southeast quarter of section eleven (11), and the southeast quarter of the southeast quarter of section eleven (11), and lot three (3), in section eleven (11), and lot one (1) of section twelve (12) in township one hundred and twenty-four (124), north range twenty-eight (28) west, containing three hundred and six and ninety-four-one hundredths acres, more or less, according to the United States surveys, be, and the same is hereby created a town corporate by the name of St. Cloud.

President to enter land as town site

SEC. 2. It shall be the duty of the President, with the consent of the Council of the town of St. Cloud, to enter the land contained within the corporate limits of said town and described in Section one of this Act, at the United States Land Office at St. Cloud, under the provisions of an Act of Congress, entitled "An Act for the relief of the citizens of Towns upon the Lands of the United States under certain circumstances." approved May twenty-three, eighteen hundred and forty-four.

Survey and plat legalized

SEC. 3. The survey and plat of the Town of St. Cloud as surveyed by John L. Wilson, and also the survey and plat made by T. A. Curtis, which have been made on any of the lands mentioned in Section one of this Act, are hereby legalized.

Assessment against lots

SEC. 4. The President of said Town Council shall make an assessment against the lots in said town, which shall be paid by the persons entitled to deeds of lots in said town, sufficient to cover the cost and expenses of entering said town site.

SEC. 5. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, eighteen hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 12, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXIII.

An Act to amend Chapter Thirty-nine of the Session Laws of 1857.

SECTION 1. Amendment to Charter of Railroad, passed.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section Two of Chapter Thirty-nine of the Session Laws of 1857, is hereby amended so as to read as follows:

SEC. 2. The said corporation is hereby authorized and empowered to survey, locate, construct, complete, maintain, use and operate a railroad with one or more tracks, or lines of rails, from a point not distant more than half a mile from the levee at the foot of Ramsey street, in the town of Hastings, county of Dakota, and Territory of Minnesota, by the most feasible and practisable route, via Cannon City, in the county of Rice, to some point on the Minnesota River, between the towns of Henderson, in Sibley county, and Saint Peter, in Nicollet county, as shall be deemed most expedient by said company, and thence westerly or southwesterly to the Missouri River, via New Ulm, opposite the mouth of the White Earth River, or as near thereto as may be practicable, with power to build a branch road diverging from any point on the main trunk road to the Red River of the North, near the head of navigation thereof, at such point as the company may deem most expedient, and also, to Stillwater; together with all necessary stations, depots, turn-outs, engine or car houses, and other appurtenances belonging to a railroad. Amendment to charter of railroad, passed

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXIV.

An Act to Incorporate the Town of Henderson, and to Repeal a former Charter.

CHAPTER 1. City and Ward Boundaries.
2. Elective officers.
3. Officers—their powers and duties.
4. The Town Council—its general powers and duties.
5. Assessing, Levying and Collecting Taxes.
6. Opening of Streets, Alleys, &c.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

Corporate powers defined

SECTION 1. All that part of the County of Sibley contained within the limits and boundaries hereinafter described, shall be a town by the name of Henderson, and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, shall be a municipal corporation by the name of the town of Henderson, and shall have the general powers possessed by municipal corporations at common law; in addition thereto shall possess the powers hereinafter specifically granted, and the authorities thereof shall have perpetual succession, and shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all Courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure.

Boundaries of the town

SEC. 2. The territory included within the following boundaries and limits shall constitute the town of Henderson, viz: The southwest quarter of section one (1), southeast quarter of section two (2), northeast quarter of section eleven (11), northwest quarter of section twelve (12), and lot number five, (5), in section twelve, (12), all being in township one hundred and twelve (112), north of range twenty-six (26), west, and in the aforesaid county of Sibley; *Provided, however*, That the said limits shall not extend east of the Minnesota River. The said town is hereby divided into two wards, viz: the First Ward to comprise all the territory within the town limits south of the line drawn through the middle of Main street, from the east to the west boundary of the town; the Second Ward to comprise all the territory north of the line of the First Ward within the said town limits. At the first election held under this charter, the voters of the First Ward shall vote at the district school house; those of the Second Ward at the office of M. J. Severance, but after the first election the Town Council may

change said places of holding elections to any other convenient points in each ward respectively.

CHAPTER II.

Annual elections for town officers

SEC. 1. After the first election of town officers the election shall be held on the second Wednesday in March of each year, at such place within each ward as the Town Council shall designate, and the polls shall be kept open from ten o'clock till twelve o'clock, A. M., and from one o'clock till four o'clock, P. M., and ten days previous notice shall be given by the Town Council of the time and places of holding such elections and the officers to be elected, by posting notices in three of the most public places in the town, and by publishing the same in at least one of the papers published in the town.

Elective offices

SEC. 2. The elective officers of the town shall be a Mayor, Recorder and Justice of the Peace, and from each ward two Aldermen, who shall have been residents of the ward from which they are elected, for at least thirty days next preceding the day of election, and shall hold their office for one year and until their successors are elected and qualified.

Vacancies—manner of filling

SEC. 3. Whenever a vacancy shall occur in the office of Mayor, such vacancy shall be filled by a new election, which shall be ordered and held within twelve days after such vacancy shall occur; any vacancy occurring in any other office shall be filled by the Town Council. Any person elected or appointed to fill a vacancy shall hold his office and discharge the duties thereof for the unexpired term, and with the same rights and subject to the same liabilities as the person whose office he may be elected or appointed to fill.

Manner of conducting elections

SEC. 4. All elections by the people shall be by ballot, and a plurality of votes shall constitute an election; whenever two or more candidates for an elective office shall receive an equal number of votes for the same office, the election shall be determined by the casting of lots, in the presence of the Town Council, at such time and in such manner as they may direct.

Who may vote

SEC. 5. All persons entitled to a vote for county or State officers, and who shall have resided in the town for three months, and in the ward in which he may offer to vote, ten days next preceding the day of election, shall be entitled to vote for any officer to be elected under this Act, and to hold any office hereby created, but no person shall hold any of the before mentioned offices unless he be a freeholder in said town of Henderson.

Manner of conducting elections

SEC. 6. After the first election, the election in said town shall be held and conducted by the Aldermen of each ward, who shall be inspectors of election, and who shall take the oath, or affirmation, prescribed by the general law of this

State, to be taken by the judges and inspectors of elections, and the Recorder, or in his absence some person to be appointed by the inspectors, shall be Clerk, and the inspectors shall have power to administer the oaths. The said elections shall be held and conducted in the same manner and under the same penalties, and vacancies in the Board of Inspectors thereof filled as required by the general laws regarding elections.

SEC. 7. When an election shall be closed, and the number of votes for each candidate or person voted for, counted and ascertained, the said inspectors shall make returns thereof stating the number of votes for each person and every office, and shall deliver or cause to be delivered such returns to the Town Recorder, who shall forthwith give notice to each of the persons so elected of their respective elections.

Special elections

SEC. 8. Special elections to fill vacancies, or for any other purpose, shall be held and conducted by the Councilmen, in the same manner, and the returns thereof shall be made in the same form and manner as general or annual elections, and in such time as may be prescribed by ordinance.

Removal of officer or neglect to qualify

SEC. 9. Any officer removing from this town, or any Alderman removing from the ward for which he was elected, or any officer who shall neglect or refuse for ten days after notice of his election or appointment to qualify and enter upon the discharge of the duties of his office, shall be deemed to have vacated his office, and the Town Council shall proceed to fill such vacancy as herein prescribed, or provided by ordinance not to conflict with the provisions hereof.

First town election

SEC. 10. The first election for town officers, of the holding of which the present Town Council shall give ten days notice previous to the day of election, shall be held on the third Wednesday in August, A. D., eighteen hundred and fifty-eight, at which time an election shall be held in each ward at the places designated in Section two (2), Chapter one (1), of this Act, and to be conducted by two inspectors in each ward, who shall be chosen by the voters at the polls of election before said polls are opened; and said inspectors shall be governed by the provisions of Section six, Chapter two, of this Act.

SEC. 11. Should there be a failure by the people to elect any officer herein required to be elected, on the day designated, the Town Council may order a new election to be held, ten days notice of the time and place of holding the same to be given as in general elections.

CHAPTER III.

OFFICERS—THEIR POWERS AND DUTIES.

SEC. 1. Every person elected or appointed to any office

under this Act, shall, before he enters upon the duties of his office, take and subscribe an oath of office, and file the same, duly certified by the officers taking the same, with the Recorder of the town; and the Treasurer and Marshal, and such other officers as the Town Council may direct, shall severally, before entering upon the duties of their respective offices, execute to the town of Henderson, a bond with at least two sureties, to be approved by the Town Council, and such bond shall contain such conditions as the Town Council may deem proper, and they may from time to time require new or additional bonds, and remove from office any officer refusing or neglect to give the same. Oath of office and bond

SEC. 2. The Town Council shall consist of a Mayor and two Aldermen from each ward. Town council

SEC. 3. The Mayor shall, when present, preside over the meetings of the Town Council, and take care that the laws of the State and the ordinances of the town be strictly enforced and duly observed, and that all other executive officers of the town discharge their respective duties. The Mayor or any two Councilmen may call special meetings of the Town Council. He shall have power to execute all acts that may be required of him by an ordinance made in pursuance of of this Act, and is hereby authorized to call upon every male inhabitant of said town, over the age of eighteen years, to aid in enforcing the laws and suppressing the same or carrying into effect any law or ordinance. Any person who shall not obey such call, shall forfeit to said town a fine not exceeding twenty-five dollars and not less than five dollars. Mayor—his duties

SEC. 4. In case the Mayor shall be guilty of any wilful oppression or corrupt partiality in the discharge of the duties of his office, he shall be liable to indictment, and on conviction thereof, shall pay fine of not more than five hundred dollars, and the Court shall have power, (upon the recommendation of the jury in the cause,) to add to the judgment of the fine, that he be removed from office.

SEC. 5. In case the Mayor shall be absent from any meeting of the Town Council, they shall proceed to elect of their own number, a temporary presiding officer, who, for the time being, shall discharge all the duties of Mayor. In case of the absence of the absence of the Mayor from the town, or his inability from any reason to discharge the duties of his office, the Council shall elect by ballot from their own number, an officer who shall be styled Acting Mayor, and all acts performed by him, shall have the same force and validity as if performed by the Mayor.

SEC. 6. The Recorder shall keep the corporate seal and all the papers and records of the town, and keep a record of all the proceedings of the Town Council. He shall draw and countersign all orders on the Treasurer, in pursuance of any order or resolution of the Town Council, and keep a full and accurate account thereof in books provided for that purpose, Recorder—his duties

and make a full and fair record of all the by-laws, rules or ordinances made or passed by said Town Council. The Recorder thall have power to administer oaths or affirmations, and copies of all papers filed in his office and transcripts from the records of the Town Council certified to by him under the corporate seal, shall be evidence in all Courts in like manner as if the original were produced. He shall report annually, on or about the first day of June, to the Council, an estimate of the expenses of the town for the current year, and the revenues necessary to be raised therefor, and the fiscal year of the town shall commence on the first day of April. He shall countersign all contracts made in behalf of the town, and all certificates of work done by order of the Town Council. He shall negotiate such temporary loans for the town as the Town Council may direct, and such loan shall be subject to the approval of the Town Council. He shall examine the report, books, papers, vouchers and accounts of the Treasurer, and from time to time shall perform such other duties as the Town Council shall direct. He shall not be directly or indirectly interested in any contract or job to which the town is a party, or in any loan to be negotiated by the town.

Officers to be elected

SEC. 7. The Town Council shall have power to elect a Town Attorney, Treasurer, Marshal, Surveyor and Police Justice, and define their duties.

Town attorney —duties

SEC. 8. The Town Attorney shall perform all professional duties incident to his office, and when required shall furnish written opinions upon any subject submitted to him by the Town Council, or its committees: *Provided*, he shall not receive to exceed fifty dollars per year for such service.

Treasurer—his duties

SEC. 9. The Treasurer shall receive all moneys belonging to the town, and keep an accurate and detailed account thereof, and on the first of April, and quarterly thereafter, he shall exhibit to the Town Council a full and detailed account of all receipts and expenditures after the date of the last quarterly report, and also the state of the treasury, which accounts shall be filed by the Recorder.

Marshal—his duties

SEC. 10. The Marshal shall execute such orders, and perform such duties as are prescribed by the Town Council, for the collection of tolls, license money and fines, for the preservation of the public peace, for the good order, cleanliness and government of the town, and for all other purposes. He shall possess the powers of a constable at law and under the Statutes of this State, and receive like fees; but shall not serve civil process except where the town is a party, and shall be collector of taxes.

Town surveyor —his duties

SEC. 11. The Town Surveyor shall hold his office during the pleasure of the Town Council, who shall prescribe his duties and fix the fees of compensation for any service performed by him; all surveys, profiles, plans or estimates made by him for the town, shall be the property of the town.

and shall be carefully preserved in the office of the Recorder, open to the inspection of parties interested.

Justice of the peace—his duties

SEC. 12. The Justice of the Peace for the town shall possess all the authority, power and rights of a Justice of the Peace, except he shall in no case entertain any civil proceeding to which the town is not a party, and shall have sole exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the town cognizable before a Justice of the Peace, but warrants returnable before the said Town Justice may be issued in criminal cases by any Justice of the Peace of the said county of Sibley, but no fee shall be received therefor by such Justices. Said Justice shall have exclusive jurisdiction in all cases in which the town is a party, and he shall have the same power and authority in cases of contempt as other Justices of the Peace: *Provided*, That nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the peace, or effect in any manner, the jurisdiction of the District Court of Sibley County, or Supreme Court of the State. In case of the absence, sickness or other disability of said Justice, or for any sufficient reason, the Mayor, by warrant, may authorize any other Justice of the Peace within the limits of the town to perform the duties pertaining to the office of said Justice, and the Mayor shall thereupon inform the Town Attorney and Marshal of such appointment, and make report thereof to the Town Council, and they may confirm or set aside such appointment, or appoint some other Justice of the Peace, and the Justice so appointed, shall for the time being, and until his appointment is vacated, possess all the authority, powers and rights appertaining to the office of Justice of the Peace for the town; *Provided*, That nothing herein contained shall be deemed or so construed as to deprive the Town Justice of his jurisdiction; but the Justice so appointed, until his appointment is vacated, shall have concurrent jurisdiction with the Town Justice, and shall receive like fees for his services as said Justice of the Peace of the town.

SEC. 13. The Justice of the Peace shall quarterly report, or oftener, if required, to the Town Council, a list of all proceedings instituted before him in behalf of the town, and the dispositions thereof; and shall at the same time account and pay over the amount of all penalties and costs collected, which may by law accrue to the town, and he shall be entitled to receive from the county of Sibley, such fees in criminal cases as are allowed to other Justices of the county for similar services.

Town printer

SEC. 14. The Town Council may designate a newspaper printed in the town, in which shall be published all ordinances and other proceedings and matters required by this Act, or the by-laws or ordinances of the Town Council to be published in a public newspaper.

SEC. 15. The Town Printer or Printers, immediately after the publication of any notice, ordinance or resolution, or other matters which by this Act is, or by town ordinances shall be required to be published, shall file with the Recorder, a copy of such publication, which shall be conclusive evidence of the publication of such notice, ordinance, resolution or other matter.

Further duties of town officers

SEC. 16. The Town Council shall have power from time to time to require other and further duties to be performed by any officer whose duties are herein prescribed, and to appoint such other officers as may be necessary to carry into effect the provisions of this Act, and to prescribe their duties and for the compensation of all officers elected or appointed by them. Such compensation shall be fixed at the time the office is created, or at the commencement of the year, and shall not be increased or diminished during the time such officer shall remain in office. The Town Council may at any time fix the compensation of any officer or committee for an incidental service by them performed ; *Provided*, no member of the Town Council shall receive from the Town for incidental or other expenses, or a salary, in any one year, a sum to exceed twenty-five dollars.

Town council--restriction

SEC. 17. No member of the Town Council shall be party to, or interested in any job or contract of the town, and any contract in which any member of the Town Council may be so interested shall be null and void.

Delivery of books to successors

SEC. 18. Any person having been an officer in said town, shall within ten days after notification and request, deliver to his successor in office, all property, books, papers and effects of every description in his possession, belonging to said town, or pertaining to the office he may have held. If he fail so to do after such notification and request, he shall forfeit and pay to the use of the town, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver ; and such successors may recover the possession of such books, papers and effects, in the manner prescribed by the laws of this State, in cases of unlawful detention of property.

Peace officers

SEC. 19. The Mayor, Sheriff of Sibley county, and each and every Councilman, Justice of the Peace, Marshal, Recorder and Constables of the precinct of which said town is a part, shall be officers of the peace, and may command the peace, and suppress, in a summary manner, all disorderly behavior within the limits of the town, and for such purpose, may command the assistance of all by-standers, and if any person so commanded shall refuse to aid in maintaining the peace, every such person shall pay a fine of twenty dollars.

CHAPTER IV.

THE TOWN COUNCIL—ITS GENERAL POWERS AND DUTIES.

SECTION 1. The Mayor and Aldermen shall constitute the

Town Council, and the style of all ordinances shall be: "The Council of the Town of Henderson do ordain." The Town Council shall meet at such time and place as they shall direct, and a majority shall constitute a quorum. But the first Town Council elected under this Act shall meet at the office of M. J. Severance on the first Monday in September, A. D. 1858, at seven o'clock, P. M. The Town Council shall determine the rules of its proceedings, and be judges of the election and qualification of their own members, and have the power to compel the attendance of absent members. Powers of the town council

SEC. 2. The Town Council shall have the control and management of the finances and of all the property of the town, and the Town Council shall likewise have full power and authority to make, enact, ordain, establish, publish, enforce, alter, modify, correct, and repeal all such ordinances, rules and by-laws, for the government and good order of the town, and for the suppression of vice, as they shall deem expedient, and declare and impose penalties by fine and imprisonment, or both, and to enforce the same against any person or persons who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules and by-laws are hereby declared to be and have the full force of law, and for these purposes shall have authority by ordinances, resolutions, or by-laws, provided that they be not repugnant to the Constitution and laws of the United States or of this State.

First—To license and regulate the exhibition of common showmen, or shows, of any kind, or the exhibition of caravans, circuses, or theatrical performances, billiard tables, bowling saloons, groceries, taverns, victualing houses, and all persons vending or dealing in spirituous, vinous, fermented, mixed, or intoxicating liquors.

Second. To restrain and prohibit the use of all gambling devices whatever from being set up or used for gambling purposes, and to restrain and prohibit all description of gaming and fraudulent devices and practices. Powers of the town council

Third. To prevent any riots, noise, disturbance, and disorderly assemblages, to suppress and restrain disorderly houses or groceries, and houses of ill-fame, and to authorize the destruction of all instruments used for the purposes of gaming, and of all spirituous, vinous, fermented, mixed, or intoxicating liquors of any kind, that may be kept for sale or dealt in contrary to any ordinance of the town.

Fourth. To compel the owner or occupant of any grocery, cellars, tallow chandlers shop, soap factory, tannery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove, or abate the same, and to provide for the abatement and removal of all nuisances within the limits of the town.

Fifth. To direct the location and management of slaughter-houses and markets in said city, and to regulate the sale, storage, keeping and conveying of gunpowder or other combustible materials.

Powers of the town council

Sixth. To prevent the incumbering of streets, sidewalks, lanes or alleys.

Seventh. To prevent immoderate riding or driving in the streets.

Eighth. To restrain the running at large of cattle, swine, sheep, poultry and geese, and to authorise the impounding, distraining and sale of the same.

Ninth. To prohibit the running at large of dogs, to impose fines upon their owners, and to authorise the destruction of the same when at large contrary to the ordinances.

Tenth. To prevent any person from bringing, depositing, or having within the town, any putrid carcass or other unwholesome substance, and to require the removal of the same thereof by any competent officer, at the expense of such person or persons.

Eleventh. To make and establish public pounds, pumps, water cisterns and reservoirs, and to provide for the erection of water works, for the supply of water to the inhabitants, to erect lamps or other means whereby to light the city, to regulate and license hacks, cabs, drays, carts, and charges of hackmen, coachmen, draymen and cartmen of the town.

Twelfth. To prevent damage to sidewalks.

Thirteenth. To prevent the shooting of fire-arms, crackers, rockets, or any other projectiles, and to prevent the exhibition of any fire-works in any situation which may be deemed by the Council dangerous to the town, or any property therein, or annoying to any citizen thereof.

Fourteenth. To restrain drunkards, immoderate drinking of intoxicating beverages, brawling and obscenity in the streets or public places.

Fifteenth. To license and regulate runners and solicitors for boats, vessels, stages, public houses, railroads, and other establishments, and to regulate the police of the town.

Sixteenth. To regulate the place and manner of selling, and to provide for the inspection and weight of hay, and stone coal, and measuring of charcoal, firewood and other fuel.

Seventeenth. To compel the owners or occupants of buildings or grounds to remove snow, dirt or rubbish from the side walks, streets or alleys opposite thereto, and in his default, to authorize the removal or destruction thereof, by some officer of the town, at the expense of such owner or occupant.

Eighteenth. To prevent the introduction of contagious diseases into the town.

Nineteenth. To regulate the time, place and manner of holding public auctions or vendues.

Twentieth. To provide a standard of weights and measures.

Twenty-first. To appropriate money and provide for the payment of the debts and expenses of the town.

Twenty-second. To alter, abolish, open, widen, extend, establish, grade, repair, or otherwise improve, or keep in repair, streets, avenues, lanes and alleys. Powers of the town council

Twenty-third. To establish, regulate and support night watches.

Twenty-fourth. To provide for the erection of all needful buildings for the use of the town.

Twenty-fifth. To provide for the enclosing, improving and regulating of all public grounds belonging to the town, and for the adorning of the streets thereof with shade trees.

Twenty-sixth. To provide for the taking, from time to time the enumeration of the inhabitants of the town.

Twenty-seventh. To prescribe the limits within which wooden buildings, or buildings or other materials, that shall not be deemed fire proof, shall not be erected, placed or repaired. Precautionary enactments concerning fires

Twenty-eighth. To prevent the dangerous construction, placing and condition of chimneys, fire-places, hearths, stovepipes, ovens, boilers, and appurtenances used in and about any building, and to cause the same to be removed or placed in a safe and secure condition, when considered dangerous, and to prevent the deposit of ashes in unsafe places, and to regulate and prevent the carrying on of manufactories dangerous in causing or promoting fires within the town limits.

Twenty-ninth. The Town Council shall have power to purchase fire engines and other fire apparatus, and to authorize the formation of fire companies, hook and ladder and hose companies, and to provide for the due support and regulation of the same; and to order such companies to be disbanded, and their apparatus to be delivered up. Each member of every such company shall be exempt from a poll tax, from serving on juries, and from military duty, during the continuance of such membership.

SEC. 3. All laws, ordinances, regulations and by-laws, shall be passed by an affirmative vote of the majority of the Town Council, and be signed by the Mayor and Recorder, and shall be published in the official paper of the town, or posted for ten days in three of the most public places in the town, before the same shall be in force, and within twenty days thereafter they shall be recorded by the Recorder, in books to be provided for that purpose. Public notice of ordinances &c

SEC. 4. All funds in the town treasury shall be under the control of the Town Council, and shall be drawn out upon the order of the Mayor and Recorder, duly authorized by vote of the Town Council, and all orders shall specify the purpose for which they were drawn. No appropriation shall be made without a majority of a full Council in favor of it, and the vote shall be taken by calling the roll, and the vote of each Councilman shall be entered on the journal of the Council, and no moneys shall be appropriated except such as are expressly authorized by this Act. Town funds—how appropriated

Adjustment of accounts by council

SEC. 5. The Town Council shall examine and adjust the accounts of all town officers and agents of the town, at such times as they may deem proper, and if any such officer or agent shall refuse to comply with the order of said Council in discharge of their duties in pursuance of this Section, the Council shall declare the office of such person vacant, and may commence suit or proceedings at law against any such officer or agent who may be found delinquent or defaulting in his accounts, or in the discharge of his official duties. The Council shall make full record of all such settlements and adjustments.

Opening, grading and repairing of streets, &c—proceedings concerning

SEC. 6. The Town Council shall have power to order and contract for the making, grading, repairing, cleansing, improving and adorning of the streets, lanes, alleys, public grounds, reservoirs, gutters, sewers and wharves, within the town.

SEC. 7. Whenever the Town Council shall deem it necessary to construct or repair any sidewalk, or open, grade, gravel, plank or pave any street or alley within the town, they shall direct the owner or occupants of any lots adjoining such sidewalk, street or alley, to make, or repair, or open, grade, gravel, plank or pave the same at his or their own proper cost and charge, in such a manner and within such time as in such direction specified ; and if such work is not done in the manner and within the time prescribed, the Town Council shall cause the same to be done at the expense of the lots adjoining such side walks, streets or alleys.

SEC. 8. The cost and expenses of surveying streets, lanes, alleys, sidewalks, sewers, public grounds and reservoirs, and estimating work thereon, and of cleansing streets and alleys, and of constructing and repairing reservoirs and sewers, may be paid out of the town funds ; but the expense of opening, grading, graveling, planking, or paving streets and alleys, and to the centre thereof, shall be chargeable to and payable by lots fronting on such streets or alleys, and all street crossings shall be graded, and all cross walks built at the expense of and payable by the lots cornering upon said crossings or squares, each corner lot being liable for the expense of improving that quarter of the square adjoining or cornering upon said lots ; sewers may be built and the expense apportioned by the Town Council among the lots or parcels of land benefitted thereby.

SEC. 9. Whenever the Town Council shall determine to make any public improvement, as authorized by Section Six, Seven and Eight of this Chapter, they shall cause to be made an estimate of the whole expense thereof, and the proportion to be assessed and charged to each lot, and such estimate shall be filed in the office of the Town Recorder, who shall thereupon give notice for one week in the official paper of the town, or by posting a notice of the same in three of the most public places in the town for ten days, that such esti-

mates are on file in his office for the inspection of parties interested.

Opening, grading and repairing of streets, &c—proceedings concerning

SEC. 10. All work for the town shall be let by contract to the lowest responsible bidder, and the Town Council may require of the bidder a bond with sureties for the faithful performance of the contract. Not less than ten days notice shall be given of the time and place of letting such contract.

SEC. 11. Whenever the general interest of the town requires a deep cutting or extraordinary filling in any street, and the owners of the lots or parcels of land fronting on such deep cutting or filling shall represent to the Town Council in writing, that the expense of such excavation or filling will exceed the benefit the same will be to the property assessed therefor, the Town Council shall appoint three freeholders not interested in said lots or parcels of land, who first being duly sworn, faithfully and impartially to discharge the trust reposed in them, shall examine the premises. If those first appointed refuse or are incapacitated to serve, the Council shall appoint others in their stead. Upon examination of the premises, if in their opinion the cost of such improvement shall exceed the benefits to be derived therefrom, it shall be their duty to report to the Town Council, and shall specify in such report what portion of the work to be performed shall be chargeable to such lots, and how much or what proportion shall be chargeable to the town funds, and such part or proportion as shall be so reported as properly chargeable to the lots or parcels aforesaid, and shall be assessed upon the same, and levied and collected as other taxes and assessments, and the remainder paid out of the town fund; *Provided*, That no such representation or petition shall be received unless presented within ten days after the first publication of the notices required in Section Nine of this Chapter. *And Provided further*, That it shall be the duty of the Town Council to appoint such Commissioners whenever it shall appear to them that such lands or lots belong to infants or other persons under legal disability, not represented by guardians.

Regulation and construction of wharves

SEC. 12. The Town Council shall have power to regulate and cause to be constructed, altered and maintained, wharves along the Minnesota River, and shall have and exercise the same control over the said river that they possess by virtue of this Act over the streets and alleys in said town. The expense of constructing, altering, grading, paving and maintaining the same, shall be apportioned by the Town Council among, and is hereby made payable by the lots or parcels of land extending to said river, in proportion to the work done opposite to said lot or parcel of land, to be estimated by the Surveyor: *Provided, however*, That the owners of such lot shall have the same power of petitioning the Town Council as is provided by Section Eleven of this Chapter, in regard to grading of streets and alleys, when the same proceeding shall be had and the work apportioned as therein provided.

Opening, grading and repairing of streets, &c—proceedings concerning

SEC. 13. After the completion and performance of any contract entered into by the Town Council for the work chargeable to lots or lands by virtue of this Act, they shall give to the contractor a certificate under the hand of the Mayor and seal of the Town, countersigned by the Recorder, stating therein the amount of work done by such contractors, the nature thereof, and the description of the lot or parcel of land upon which the same is chargeable, which said certificate shall be transferable by endorsement thereon and shall bear interest at such rate as the Council shall direct, and if the amount thereof shall not be paid before the time of making out the annual assessment roll, the same shall be assessed and levied upon the lots or parcels of land respectively and collected, together with interest up to the time of such collection, such certificate as they shall bear for the use and benefit of the holder of such certificate as other taxes on real estate are collected by virtue of this Act, and if the notice to do the work required shall have been given, no informality or error in the proceedings shall vitiate such assessment.

CHAPTER V.

ASSESSING, LEVYING AND COLLECTING TAXES.

Property subject to taxation

SEC. 1. All property, real and personal, within the town, except such as may be exempt by the laws of this State, or by ordinance of this town, shall be subject to taxation for the support of the town government and the payment of its debts and liabilities, and the same shall be assessed in the manner hereinafter provided, but such assessment shall not exceed five mills on the dollar of the real valuation, and all qualified voters shall be liable to a poll tax not exceeding one dollar in any one year, to be levied by the Town Council.

Town assessors—when appointed

SEC. 2. The Town Council shall annually appoint two persons Town Assessors, who shall have and possess the same powers that are or may be enforced by the laws of this State upon Township or County Assessors, except so far as they may be altered by this Act: *Proided*, That the Town Council may prescribe the form of the assessment rolls and may fully define the duties of Assessors and make such rules and regulations in regard to revising, altering or adding to such rolls as they may from time to time deem advisable.

Duty of assessors

SEC. 3. The Assessors so appointed are hereby authorized to administer such oaths as shall be required, and within such time as the Town Council shall designate, the said Assessors shall make out a complete and accurate assessment roll which shall contain a description to identify the same of all lands, lots, or parcels of lands within said town, and also of all persons or bodies politic, liable to pay taxes on personal property or capitation tax, and opposite to

each parcel or lot of land shall be affixed the value thereof, and opposite the name of each person or body politic, shall be affixed the value of the personal property for which such person or body politic shall be assessed. When there are buildings upon any lot or parcel of land, their value shall be set forth in a separate column. The Assessors may assess any lot or tract of land in such parcels or subdivisions as they may deem proper, but it shall not be necessary to enter the name of the owner opposite to every tract or parcel of land.

Confirmation of assessment roll

SEC. 4. When the assessment-roll shall be completed, the Assessors shall give ten days notice thereof in the official paper of the town, or give notice thereof by posting notices in three of the most public places in the town, fixing a time and convenient place when they will meet for the purpose of hearing any objections of parties declaring themselves aggrieved by such assessment, and after hearing such objections, the Assessors may make such alterations or revisions as justice and equity may require ; *Provided*, The time of hearing such objections shall not be extended more than five days from the expiration of such notice.

SEC. 5. Within six days after the time limited for hearing such objections, the Assessors shall return the said assessment-roll to the Town Council, and they may confirm or refer the same back to the Assessors. The Town Council may supply omissions in said roll, and for the purpose of equalizing the same may alter, add to, take from and otherwise revise and correct the same.

SEC. 6. When the assessment-roll shall have been revised and corrected, the same shall be filed with the Recorder, thereupon the said Town Council shall, by resolution, levy such sum or sums of money as may be sufficient for the purpose for which taxes are herein authorized to be levied, but not exceeding the authorized limits.

Taxes to be lien upon property

SEC. 7. All taxes and assessments, general or special, levied under this Act, shall be and remain a lien upon the lands and tenements upon which they may be assessed from the time of the order of confirming the assessment-roll, and upon all personal property of any person or body politic from the time of the delivering of the warrant for the collection thereof, to the Marshal until such tax shall be paid, and no sale or transfer of such real or personal estate after said time shall effect said lien. Any personal property belonging to the taxed, may be taken and sold for the payment of taxes upon personal property.

SEC. 8. As soon as the taxes shall be levied, the Recorder shall copy the same in a book provided for that purpose, setting opposite to each person named under the proper columns, such sum or sums as may have been levied upon such lot or against such person, the said copy shall be designated the Tax List, and to it shall be appended a warrant.

Collection of taxes—how made

signed by the Mayor and Recorder, and sealed with the corporate seal of said town, directed to the Marshal requiring and commanding him to collect taxes and assessments on said list, specified in the manner prescribed in this Act; and in case said taxes and assessments shall not be paid within such times as therein directed and specified then, that he shall proceed to sell the several lots or parcels of lands, or those parts thereof upon which said taxes and assessments shall remain unpaid, and make due return to the Town Council within such time as shall be fixed in said warrant

SEC. 9. Such tax list, before being delivered to the Town Marshal, shall be compared by the Recorder, with the assessment-roll as confirmed he shall affix to it his certificate that the same has been so compared by him, and that the whole of said assessment-roll has been copied into such tax list, and the said tax list when so certified, shall be *prima facie* evidence in any Court that the land and person therein named were subject to taxation, and that the assessments were just and equal.

SEC. 10. On the receipt therof, the Marshal shall give one week's notice thereof in the official paper, or shall give ten days notice thereof by posting up notices in three of the most public places in the town; such notices shall specify that taxes on personal property shall be paid within twenty days from the first publication of such notice, or from the first day of posting the same, and taxes and assessments on real estate before the first day of September following, that if such taxes are not paid till after the first day of September, interest will be charged at the rate of two per cent. a month or fractional part of a month after said first day of January, upon all unpaid taxes, and that all tracts or parcels of land or buildings specified in said tax list, upon which said taxes and assessments shall not be paid by the first day of January, will be sold at a certain time and place therein, to be specified, for the payment of such taxes and assessments, and the publication or posting of such notices shall be deemed a demand, and a neglect to pay the taxes and assessments within the time specified, shall be deemed a refusal to pay the same.

Collection of taxes—how made

SEC. 11. At the expiration of twenty days, the Marshal shall proceed to enforce the collection of the taxes on personal property in the same manner prescribed by the Statutes and laws of this State, and if any such personal tax shall not be paid or collected in consequence of the neglect or delay of the Marshal, the Town Council may sue and recover the amount thereof from the said Marshal and his sureties.

SEC. 12. On the day and at the place designated in the Marshal's notice, he shall commence, by public auction, the sale of all tracts and lots of land or parcels thereof, upon which the taxes or assessments shall remain unpaid, and continue the said sale from day to day until the whole of

such tracts, lots or parcels of lands are disposed of. On receiving the amount of such purchase money, the Marshal shall issue to the purchaser a certificate containing the name of the purchaser, description of the premises sold, the amount paid thereon, the rate of interest said certificate may bear, and the time when the right to redeem shall expire. The Marshal shall keep a record of the lots or tracts so sold, the name of the purchaser, date of sale, the amount received for taxes and charges respectively, the time when, by whom and for what amount the same was redeemed, and the time and to whom the same same was conveyed, if not redeemed, and the Recorder shall act as Clerk at such sale. Tax sales -how made

SEC. 13. In case any purchaser at such tax sale, shall neglect or refuse to pay the amount for which any lot or tract was sold, before ten o'clock on the morning following the day of sale, the Marshal immediately offer such tract again for sale, and the person refusing or neglecting to pay for the same by ten o'clock of the day following the day of sale, he shall forfeit and pay to the town five dollars for each lot so purchased, to be sued for and collected as other penalties under this Act.

SEC. 14. Any lot or tract of land so sold may be redeemed by the owner thereof, his agent or attorney, or at any other person having an interest therein, or at any time within one year after the day of sale, by paying to the Marshal the amount for which the same was sold including taxes and charges, together with the interest thereon, at the rate of twenty-four per cent. per annum, and the legal charges and taxes thereon since the time of sale. If the estate of an infant or lunatic be sold, the same may be redeemed upon like terms within one year after such disability is removed or at any time before the expiration of such time. Redemption of property sold for taxes

SEC. 15. Any such tax certificate shall be assignable by endorsement, and the assignee thereof shall be entitled to receive a deed of the premises in such certificate described in his own name and with the same effect as though he had been the original purchaser.

SEC. 16. In case at any sale of real or personal estate for taxes or assessments, no bid shall be made for any parcel of land or any goods and chattels, the same shall be struck off to the town, and thereupon the Marshal shall execute to the town in its corporate name, a certificate of the sale thereof, specifying the same facts as a certificate issued to other purchasers, and the town shall be vested with the same rights as other purchasers, and which certificate shall be filed with the Town Treasurer. If the town shall become the purchaser of any personal property by virtue of this chapter, the Treasurer shall have the power to sell the same at public sale; and in case the town shall become the purchaser of any real estate at any tax sale, the Town Council may authorize the Treasurer to sell the certificate issued therefor, for the When town to become purchaser at tax sale

amount paid therefor, with interest, and to endorse and transfer such certificate to the purchaser thereof.

Omission in assessment—how remedied

SEC. 17. If it shall appear to the Assessors that any lot or parcel of land was omitted in the assessment roll of either or both of the preceding years, and that the same was then liable to taxation, they shall, in addition to the assessment for that year, assess upon the lot or parcel of land so omitted for such year or years that it shall have been so omitted, the just value thereof, noting the year when such omission occurred, and such assessments shall have the same force and effect as it would have had if made the year when the same was omitted; and the Town Council shall, in addition to the taxes for the current year, lay such tax upon such lot or tract of land as the same would have been chargeable with had not the same been omitted, and such tax shall be collected as other taxes or assessments for the current year. All lands shall be subject to taxes that may have been omitted in whatsoever hands they may come. Should any tax or assessments upon any lot or parcel of land be set aside or declared void by reason of any defect or informality in the assessing, buying, selling or conveying the same, or other matters, but not effecting the equity or justice of the tax itself, the Town Council shall cause the tax or assessment so set aside or declared void, to be re-levied in such manner as they shall direct; *Provided*, That if the defect was in the assessment, the same shall be again assessed at such time as the Town Council shall direct, and the said tax or assessment so reassessed or re-levied, shall be and continue a lien upon said tract or lot, and shall be collected as other taxes or assessments are collected under this Act.

Tax sale deeds

SEC. 18. All deeds purporting on their face to be executed on account of sales for taxes or assessments, under this Act, shall be in all cases *prima facie* evidence of the validity of such tax, and in case the title conveyed by such deed shall come in question, the same shall be *prima facie* evidence of all facts recited in such deeds so far as they effect the force or validity of all title conveyed or purporting to be conveyed by such deeds.

SEC. 19. All the instructions and directions herein given for the assessing of lands and personal property, and the levying and collecting of taxes and assessments, shall be deemed only directory, and no error or informality in the proceedings of any of the officers entrusted with same, and not affecting the substantial justice of the tax itself, shall violate or in any wise effect the validity of the tax or assessment, or of the title conveyed under any sale for taxes under this chapter.

Tax money to be paid over to treasurer

SEC. 20. The Marshal shall receive the moneys that may be legally tendered him for the redemption of lands sold for taxes, and he shall keep account hereof and immediately pay the same over to the Town Treasurer and take his receipt

therefor, who shall also keep an account thereof, and the Treasurer shall pay the same over on demand to the person entitled to receive the same. The Treasurer shall cancel all certificates so redeemed and preserve the same in his office, and at the expiration of his term of office he shall deliver to his successor, all redemption moneys in his hands with a statement of the amount so received and of the amount and to whom paid.

SEC. 21. In all cases under the provisions of this Act, whereby any charge or assessment is made a lien upon the land, the assessment of such charge shall be carried out in a separate column or columns opposite to the lot or tract upon which the same may be a lien, and the Marshal may collect and sell and do all other acts thereto, in the same manner as if the amount of such lien was a general tax.

SEC. 22. The Marshal shall be allowed the following fees, to wit:

Fees for collecting taxes

Such per cent. on all taxes collected as the Town Council may allow, not to exceed five per cent., and in case of distress and sale by him of goods and chattels for the payment of any taxes, he shall be entitled to such fees as Sheriffs are allowed by law upon sale of goods under execution.

For each certificate by him issued on the sale of lands for the payment of taxes, twenty cents to be added to the amount of such tax or assessment and included in such certiffcate.

For each lot or parcel of land redeemed for which he shall issue a certificate, twenty-five cents, and five cents for each additional lot or parcel embraced in such certificate, to be paid by the persons redeeming before he shall be entitled to redeem.

Further provisions relating to tax sale

SEC. 23. Whenever any person shall bid off any lot or parcel of land offered for sale for taxes, which lot shall have been bid off in the name of the town for taxes for any previous year, and shall at the time of such subsequent sale remain the property of the town, such person shall, before being entitled to his certificate of such sale and purchase, purchase of the town its certificate by paying the amount of principal, interest and charges thereon, and to receive from the Treasurer an assignment thereof, and if such purchase of the town be not paid and executed before ten o'clock of the day following, the bill thereof shall be considered as null and the land again offered for sale.

SEC. 24. When there shall be a sale by the Register of Deeds of Sibley county, or other county officer, and by the City Marshal, of any lot or parcel of land for taxes in the same year, the purchaser of any such lot or parcel who shall be first in point of time, may redeem the same from the subsequent purchaser, and in case he should not redeem, the right of the last purchaser shall be held paramount, if he obtains a deed therefor. If the first purchaser in point of time shall so redeem, it shall be the duty of the proper officer to make

an entry in the sale book of the character in which such person may have redeemed, and the person so redeeming shall be substituted in all the rights of the holder of the certificate so redeemed as aforesaid.

SEC. 25. No person shall be permitted to institute any proceedings to set aside assessment or special tax hereafter levied or assessed upon any lot or tract of land, or to set aside a deed executed by reason of the non-payment of such taxes upon the sale of the premises therefor, unless such person shall first pay or tender to the proper party, or deposit to his use with the Treasurer, the amount of all town taxes that remain unpaid and that have been paid upon such lots or tracts since the sale thereof for taxes by the purchasers, together with the interest and charges thereon.

SEC. 26. When any lands sold for taxes shall not be redeemed as aforesaid, the Recorder of said town shall, after the expiration of said term of one year, for the redemption thereof, on the presentation to him of the certificate of sale, and an order from the Treasurer, should execute in the name of the town of Henderson, under his hand and seal, to the purchaser, his heirs and assigns a deed of the lots or parcels of land so remaining unredeemed, and shall acknowledge the same, which shall invest in the grantee an absolute estate in fee simple of such lands, subject however, to all unpaid taxes and charges that may be a lien thereon. The fees of the Recorder for executing and acknowledging such deeds shall be one dollar and fifty cents.

CHAPTER VI.

OPENING OF STREETS, ALLEYS, &C.

Opening of streets, alleys &c—proceedings to legalize

SEC. 1. The Town Council shall have power to lay out public squares, grounds, streets, lanes, alleys, and to widen and enlarge the same as follows:

Whenever twenty or more freeholders, residing in said town, by petition represent to the Town Council that it is necessary to take certain lands within the town, for the purpose of laying out public squares, grounds, streets or alleys, or enlarging or widening the same; and the courses, distances, metes and bounds of the land proposed to be taken, together with the names and residences of the owners of such premises, if known to the petitioners, is set forth in the petition, the Town Council should thereupon cause notice of such application to be given to the occupant or occupants of such lands, if there be any, and if such lands or any portion of them shall not be in the actual occupancy of any one, then the Town Council shall cause such notice, describing as near as may be the premises proposed to be taken, be published in the official paper for three weeks successively, once at least in each, and the publisher of such paper or his fore-

man shall make affidavit of such publication and deposit the same with the Town Recorder.

SEC. 2. Such notice shall state, on a certain day therein named, not less than six days from the day of service of such notice or the expiration of such publication, as the case may be, the Town Council will appoint three Commissioners to view said premises and to determine whether it is necessary to take the same for the purposes specified in said petition.

And at the time specified the said Town Council shall proceed and appoint three reputable freeholders, residents of this town, but not interested in the result of said petition, and shall enter an order in their proceedings requesting the said Commissioners within ten days to view said premises, to be specified in said order and to make return to the Town Council, whether in their judgment it is necessary to take said premises for the public use, for the purpose specified in the petition. Commissioners to determine damages

SEC. 3. The said Commissioners at such time as they may agree upon within ten days of the time of their appointment, shall proceed to view the premises in question, and shall hear such testimony as may be offered by any party interested, which testimony shall be reduced to writing by one of their number, and either of the Commissioners shall be authorized to administer the necessary oaths to witnesses.

SEC. 4. Should the Commissioners deem it necessary to take such premises for the public use, they shall determine the amount of damages to be paid to the owner or owners of the property proposed to be taken, and also what lands or premises will be benefitted by such taking, and to assess such damages and benefits, and to return the same to the Town Council within the time limited.

SEC. 5. If the damage to any person be greater than the benefits received, or if the benefits be greater than the damages, in either case the Commissioners shall strike a balance and carry the difference forward to another column, so that the assessments shall show what amount is to be received or paid by such owner or owners, or persons interested respectively, and the difference only shall in case be collected of them or payable to them.

SEC. 6. If the lands or building belong to different persons, or if the land be subject to lease, judment, mortgage, or lien, or if there be any estate in it less than an estate in fee, the injury done to such person or interest respectively, may be awarded to them by the Commissioners, less the benefits resulting to them respectively from the proposed appropriation to the public use.

SEC. 7. The award of said Commissioners shall be signed by them together with the testimony taken and returned to the Town Council within the time limited in this order of appointment. Should they fail so to do, they shall receive no Award of commissioners

compensation for their services, and the Town Council shall appoint new Commissioners, unless further time is granted to the said first appointed Commissioners, which further time the Council may by order grant.

SEC. 8. The said assessment shall be collected by the Town Marshal, in the same manner as he is by law empowered to collect taxes upon personal property, and the return of the Marshall shall be conclusive evidence of that fact.

Payment or tender of damages

SEC. 9. The land required to be taken for the purpose mentioned in this Chapter, shall not be taken till the damages awarded to the owner thereof for the taking of the same, shall be paid or tendered the owner or his agent, to be deposited for his use with the Town Treasurer, in case said owner or his agent are unknown, and the said lands and premises so taken and appropriated shall thereafter be subject to all the laws and ordinances of the town, in the same manner as streets, alleys or public grounds heretofore opened or laid out, and the damages so assessed shall be paid or tendered or so deposited within eight months of the confirmation of such assessment and report, and if not so paid, tendered or deposited, all the proceedings in any such case shall be void. The benefits so assessed shall be a lien upon the premises assessed from the confirmation of such report.

SEC. 10. Where the whole or part of a tract of land or other premises under lease or contract shall be taken by virtue of this Act, all the covenants, contracts and engagements between landlord and tenant, or any other contracting parties respecting the same, upon the confirmation of the Commissioners' report, shall be absolutely discharged as to the part thereof so taken, but shall remain valid as to the residue thereof, and the same considerations and payments received, payable and to be paid for in respect to the same, shall be so apportioned that the part thereof justly and equitably payable for such residue, and no more shall be paid.

SEC. 11. When any known owner of lands or premises affected by any proceeding under this Act, shall be an infant, or labor under any other legal disability, the Judge of Probate of Sibley county, shall upon the application of the person laboring under such disability, his next friend or the Town Council, appoint a guardian for such person, upon whom shall be served all notices required by this Act.

SEC. 12. The said Commissioners before entering upon the discharge of their duties, shall severally take an oath and file the same with the Recorder, that they are not at all interested in the premises proposed to be taken, and that they will faithfully discharge the trust reposed in them.

Appeal from award of commissioners

SEC. 13. Any person whose property is taken, or against whom an assessment is made, may within ten days after the return of the said Commissioners to the Town Council, appeal from such determination of damages or benefits, to the Dis-

trict Court of Sibley county, where such appeal shall be tried as in ordinary cases of appeal in said Court; the Town Council shall have the same right to appeal.

MISCELLANEOUS PROVISIONS.

Actions how brought

SEC. 1. All actions brought to recover any penalty or forfeiture under this Act or the ordinances, by laws, or police or health regulations made in pursuance thereof, shall be brought in the corporate name of the town.

Incompetency

SEC. 2. No person shall be an incompetent judge, justice, juror, witness or commissioner, by reason of his being an inhabitant of the town in any action or proceeding in which the town shall be a party in interest.

City property exempt from sale

SEC. 3. The following property now or hereafter belonging to the town, shall be exempt from levy sale under or by virtue of any execution, to wit: All engine houses, hook and ladder houses, and the ground upon which they are situated; all fire engines, carriages, hooks, ladders, buckets, hose, or any other fire apparatus used by the fire company, erected or otherwise by the Town Council; school houses and the furniture thereof, and the furniture of the Town Council and office rooms of the other officers of the town.

Elections

SEC. 4. If any election for town officers for any cause shall not be held in the manner and at the time herein prescribed, it shall not be considered a reason for ousting, suspending or absolving said corporation, but such election may be held upon any subsequent day, and if any of the duties enjoined by this Act, as the ordinances, by-laws, rules or regulations of the town, to be done by any officer at any specified time, be not done or performed at that time, the Town Council may appoint another time at which the said acts may be done and performed.

Real estate

SEC. 5. The town may lease, purchase and hold real or personal estate sufficient for the convenience of the inhabitants and the due administration of the government of the town, and may sell and convey the same at pleasure, and the same shall be free from taxation.

General laws

SEC. 6. No general laws of this State contravening the provisions of this Act, shall be considered as repealing, amending or modifying the same, unless such purpose be expressly set forth in such law.

Appeals—how taken

SEC. 7. Appeals shall be allowed from decisions in all cases arising under the provisions of this Act, or any ordinances, rules, by-laws or regulations, passed in pursuance thereof, to the District Court of Sibley County, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by Justices of the Peace to the District Court under the general laws of this State.

SEC. 8. All acts and parts of acts relating to the incor-

Repeal of former acts

poration of the town of Henderson, are hereby repealed, but the repeal of said acts shall not effect any act done, save in the election of town officers, or right accrued or established, or any proceeding, suit or prosecution, had or commenced previous to the time when such repeal shall take effect, but every such act, right or proceeding, shall be as valid and effectual as if said acts had remained in force.

SEC. 9. This Act is hereby declared to be a public act, and may be read in evidence in all Courts of law in this State.

SEC. 10. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August ninth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 9, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXV.

An Act to Incorporate the Town of Taylor's Falls.

CHAPTER 1. Of the Town Boundaries.
2. Of the Government of the Town.
3. Of Town Elections.
4. Of the eligibility to the office of the Town President.
5. Of the duties of the Recorder
6. Of the Justice of the Peace.
7. Of the duties of other officers.
8. Of salaries of Town officers.
9. Miscellaneous provisions.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.—BOUNDARIES.

SECTION 1. All the district of country in the county of

Chisago, contained within the limits and boundaries hereinafter described, shall be a town by the name of Taylor's Falls, and the people now inhabiting, and those who shall hereafter inhabit within the district of country hereinafter described, shall be a municipal corporation by the name of Taylor's Falls, and shall have the general powers possessed by municipal corporations at the common law, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all Courts of law and equity, and shall have a common seal, and may change and alter the same at pleasure. Of the town boundaries and corporate powers

SEC. 2. The limits of said town, shall be all that district of country on the west side of St. Croix River, known and designated, according to the United States survey, as the east half of section twenty-four (24), and the south-east quarter of the south-west quarter of section twenty-four (24), all of section twenty-five (25), and section thirty-six (36), in town thirty-four, range nineteen (19), and all that portion of sections thirty (30), nineteen (19), and eighteen (18), in town thirty-four (34), range eighteen (18), which lies west of the St. Croix River.

CHAPTER 2.—GOVERNMENT OF THE TOWN.

SECTION 1. There shall be a Town Council to consist of a President, Recorder, and three Trustees, and whenever a majority of the qualified electors of said town shall decide in favor of a division of said town into wards, it shall be the duty of the Town Council to make an equitable division thereof for the welfare of said town, and each ward thereafter shall be entitled to three Trustees, who shall be members of the Town Council. Of the town government

SEC. 2. At the first meeting of the Town Council, the Trustees shall be divided by lot into three classes. The seats of the first shall be vacated at the first annual election, the second class at the second annual election, and the seats of the third class at the third annual election.

SEC. 3. The Town Council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.

SEC. 4. A majority of the Town Council shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and compel the attendance of absent members under such penalties as may be prescribed by ordinance. Of the powers of the town council

SEC. 5. The Town Council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected expel a member for sufficient cause.

SEC. 6. The Town Council shall have power to make all ordinances and by-laws which shall be necessary and proper

to effect and execute the powers specified in this Act, so that such ordinance or by-laws is not repugnant to nor inconsistent with the Constitution of the United States and the Constitution of the State of Minnesota.

Of the powers of the town council

SEC. 7. The style of the ordinances of the town shall be: Be it ordained by the Council of the Town of Taylor's Falls.

SEC. 8. The Town Council shall keep a Journal of its proceedings, and ayes and nays, when demanded by any member present shall be entered on the journal.

SEC. 9. No member of the Town Council shall be appointed to any office under the authority of the town, which shall have been created, or the compensation of which shall have been increased during the time for which he shall have been elected.

SEC. 10. The members of the Town Council before entering upon the duties of their office, shall take and subscribe an oath that they will support the Constitution of the United States, and the Constitution of the State of Minnesota, and that they will well and truly perform the duties of their office to the best of their abilities.

SEC. 11. Whenever there shall be a tie in an election there shall be a new election, ordered in such manner as shall be provided by ordinance, and whenever a vacancy shall occur by death, resignation or otherwise, there shall be a new election, which shall be provided for by ordinance.

[SEC. 12. The Town Council shall hold meetings at such times and places as may be prescribed by ordinance.]

SEC. 13. The Town Council shall have power and authority to levy and collect taxes on all property real and personal within the limits of the town, not exceeding one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance not repugnant to the Constitution of the United States or the Constitution of the State of Minnesota.

SEC. 14. The Town Council shall have power to appoint Supervisors of streets, and such other officers as may be necessary, to carry out the government and public improvements in said town.

SEC. 15. The Town Council shall have the power to require of all officers elected in pursuance of this charter, such bonds with penalties and security for the faithful performance of their respective duties as may be deemed expedient.

SEC. 16. To appropriate money, and provide for the payment of the same.

SEC. 17. To make regulations to secure the general health of the inhabitants, and to prevent nuisances, and to remove the same, and to compel the owner or keeper of any grocery, stable, barn, privy, sewer, or any other unwholesome or nauseous house, place or object, to cleanse, remove or abate the same, whenever the health, comfort or convenience of the town demand it.

Of the powers of the town council

SEC. 18. To open, alter, abolish, widen, extend, establish, grade, repair or otherwise improve and keep in repair streets, avenues and alleys.

SEC. 19. To establish, erect and keep in repair bridges.

SEC. 20. To provide for the lighting of streets and the erection of lamp posts.

SEC. 21. To establish, support and regulate night watches.

SEC. 22. To provide for the erection of all needful buildings for the use of the town, and the erection, repair and extension of side-walks.

SEC. 23. To erect market-houses, establish markets and market places, and provide for the government and regulation thereof, and direct the location of slaughter-houses.

SEC. 24. To provide for the enclosing, improving and regulating all public grounds belonging to the town.

SEC. 25. To improve, erect and preserve the landings, public wharves, and docks, on the St. Croix River, within the limits of the town, and regulate the rates of wharfage thereat.

SEC. 26. To regulate and tax merchants, retailers, taverns, groceries, ordinaries, bankers, pedlers, brokers, pawn-brokers, and money-changers, license and regulate the exhibition of shows, and showmen, theatres and theatrical performances of any kind, to license, tax and regulate hacks, carriages, wagons, carts and drays, and fix the rates to be paid for the carriage of persons, and for wagonage, drayage and cartage of property.

Of the powers of the town council

SEC. 27. To provide for the prevention of fires and extinguishment of the same, and to organize and establish Fire Companies and erect engine houses.

SEC. 28. To regulate the fixing of chimneys, stove pipes and the flues thereof.

SEC. 29. To regulate the storage of gun-powder and other combustible materials.

SEC. 30. To regulate and order parapet walls and partition fences.

SEC. 31. To provide for and regulate the inspection of beef, pork, flour, meal, butter, lard and other provisions.

SEC. 32. To regulate the police of the town, to assess fines, forfeitures and penalties, for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

SEC. 33. To provide for and fix the compensation of all town officers, and regulate the fees of jurors, witnesses, and other services rendered under this Act, or any ordinance, and provide for removing from office any person holding an office created by ordinance.

SEC. 34. The books and papers of any officer of said town shall always be open to inspection to any tax paying citizen of said town.

SEC. 35. To prevent the encumbering the streets, side

Of the powers of the town council

walks, landings, wharves, docks, or public grounds with any implements, materials or substance whatsoever needlessly.

SEC. 36. To prevent horse racing, and immoderate driving or riding in the streets.

SEC. 37. To prevent all persons from riding or driving any horse, mule, ox or other animal, on the side walks, or in any way doing damage to such sidewalks.

SEC. 38. To restrain or prevent the running at large of cattle, swine, sheep, horses, poultry, dogs, or any other animal, by fine, or tax, the same to be declared by ordinance.

SEC. 39. To restrain drunkards, immoderate drinking, or obscenity in the streets, or public places, and provide for arresting, fining or imprisoning of any person or persons, who may be guilty of the same, and to regulate, restrict, or prevent the sale of intoxicating drinks in said town, and if the same is deemed expedient, grant licenses, with such charges and under such restrictions, as they may deem proper, for the sale of intoxicating drinks in the said town.

SEC. 40. To alter the boundaries of wards and erect additional wards, subject to a majority vote of the qualified electors of the town, and to provide for the election of officers of each additional ward.

SEC. 41. To restrain, prohibit, and suppress gaming, bawdy, and other disorderly houses, fraudulent devices and practices, to restrain and prohibit all games of chance for the purpose of gaming.

SEC. 42. All ordinances passed by the Town Council shall, within one month after they have been passed, be published in some newspaper in the Town, and shall not be in force until they shall be published as aforesaid, or posted upon the Town Hall, or some conspicuous place.

SEC. 43. All ordinances of the town may be proven by the seal of the corporation, and when printed or published in book form, and purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all Courts or places without further proof.

CHAPTER III.—OF ELECTIONS.

Of town elections

SECTION. 1. On the first Monday of December next, an election shall be held in said town of Taylor's Falls, for one President, three Trustees, one Recorder, one Attorney, one Treasurer, one Assessor, and one Marshal, who shall act as Collector, and one Justice of the Peace, and thereafter on the first Monday in December each year, there shall be an election for one President, one Trustee, one Recorder, one Attorney, one Treasurer, one Marshal, and one Justice of the Peace. The first election shall be held by the qualified voters residing within the limits of the town of Taylor's Falls as described in Chapter First of this Act. The town shall constitute one election precinct, until it shall be divided

into wards. It shall be the duty of the Commissioners of Chisago County to appoint three judges of election, whose duties shall be the same as prescribed by law, and it shall be the duty of the Clerk of the Board of County Commissioners for said county, to cause notice of time and place of holding first election to be held under this charter, the same as prescribed by law for precincts at regular elections, and the returns shall be made to the said Clerk of the Board of County Commissioners for said county, and he shall canvass the same and issue certificates of election to persons having the highest number of votes, *Provided*, That in all subsequent elections for choice of town officers, the judges of election shall be appointed as prescribed by ordinance.

Who are qualified voters

SEC. 2. All free white male inhabitants over the age of twenty-one years, who are qualified voters in the State, and shall have been actual residents of said town six months next preceding any election, shall be entitled to vote for town officers.

SEC. 3. All elections held in said town, except the first election which is provided for in Section One of this Chapter, shall be held at such places as the Town Council may designate, by giving at least thirty days notice thereof, by printing in some newspaper printed in said town, or by posting up notice thereof in three public places within the limits of said town. The polls shall be kept open from ten o'clock A. M. until four P. M.; the opening and closing of the polls shall be announced aloud publicly.

SEC. 4. All elections shall be by ballot.

SEC. 5. When an election shall be closed and the number of votes for each person voted for counted, the said judges shall make returns thereof, stating the whole number of votes and the number of votes each person has received, for each and every office, and shall deliver or cause to be delivered such returns to the town Recorder, who shall, within ten days, give notice to each of the persons receiving the highest number of votes, of their election.

SEC. 6. All frauds in conducting elections or making false returns, or illegal voting shall be amenable to the State law.

CHAPTER IV.—OF THE PRESIDENT.

Of the eligibility to the office of president

SECTION 1. No person shall be eligible to the office of President, who shall not have been a resident of the town one year next preceding his election, being a householder, or owner of real estate and a qualified elector.

SEC. 2. Whenever an election of President shall be contested, the Town Council shall determine the same in such manner as may be prescribed by ordinance.

SEC. 3. Whenever any vacancy shall happen in the office of President, it shall be filled by election.

Of the powers of the town council

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into wards. It shall be the duty of the Commissioners of Chisago County to appoint three judges of election, whose duties shall be the same as prescribed by law, and it shall be the duty of the Clerk of the Board of County Commissioners for said county, to cause notice of time and place of holding first election to be held under this charter, the same as prescribed by law for precincts at regular elections, and the returns shall be made to the said Clerk of the Board of County Commissioners for said county, and he shall canvass the same and issue certificates of election to persons having the highest number of votes, *Provided*, That in all subsequent elections for choice of town officers, the judges of election shall be appointed as prescribed by ordinance.

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SEC. 2. Whenever an election of President shall be contested, the Town Council shall determine the same in such manner as may be prescribed by ordinance.

SEC. 3. Whenever any vacancy shall happen in the office of President, it shall be filled by election.

SEC. 4. The President shall hold his office for one year, or until his successor is elected and qualified.

SEC. 5. The President shall preside over all meetings of the Town Council, and shall sign all town orders, contracts, agreements, commissions, licenses and permits, and shall sign the journal of all the meetings of the Town Council, officially.

SEC 6. In case of absence of the President at any meeting of the Town Council, the Council shall elect one of their members to preside *pro tempore.*

SEC. 7. The President or any two members may call a special meeting of the Town Council.

SEC. 8. The President shall from time to time communicate to the Council such information and recommend all such measures as, in his opinion, may tend to the improvement of the finances, the health, the police, the security, comforts and ornaments of said town.

SEC. 9. He shall have power to administer oaths or affirmations. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this Act.

CHAPTER V.—DUTIES OF RECORDER.

Of the duties of the Recorder

SECTION 1. The Recorder shall act as Clerk at all meetings of the Town Council; shall attest to all meetings, orders, notices, certificates, contracts, agreements, commissions, licenses, and permits.

SEC. 2. He shall keep a true and correct journal of the proceedings of the Town Council in a book to be provided by said Town Council, shall keep and file for reference all papers belonging to the town, shall keep and audit all approved accounts, shall keep a book containing the debit and credit of the town, which book shall be balanced annually in the month of December.

SEC. 3. It shall be the duty of the Recorder, in the month of December in each and every year, to make out a full and complete statement of all monies received and expended by the corporation during the preceding year, and cause the same to be posted up in three conspicuous place, or printed in a newspaper in the town three successive times.

CHAPTER VI.—OF JUSTICES OF THE PEACE.

Of the Justices of the Peace

SECTION 1. The Justice of the Peace for the town shall possess all the authority, powers and rights of a Justice of the Peace. He shall have exclusive jurisdiction to hear all complaints and conduct all examinations and trials in criminal cases within the town, cognizable before a Justice of the Peace, but warrants returnable before the said Justice may be issued in criminal cases by any other Justice of the town.

SEC. 2. Should any vacancy occur in the office of Justice of the Peace, the Town Council shall appoint one to act in his place, until the next general or special election when the vacancy shall be filled.

SEC. 3. The Justice of the Peace for the town shall quarterly report to the Town Council, a list of all proceedings instituted before him in behalf of the town, and the disposition thereof, and shall at the same time account and pay over the amount of all penalties and costs collected, which may accrue to the town. He shall be entitled to receive such fees in criminal cases as are allowed to other Justices of the county for similar services.

CHAPTER VII.—OF OTHER OFFICERS.

SECTION 1. The several duties of the different officers not provided for in this charter, shall be regulated by ordinance, when it is not otherwise regulated by State law. The duties of the Attorney, Treasurer, Assessor, Marshal and Trustees, shall be regulated from time to time by the Town Council. Of the duties of other city officers

CHAPTER VIII.—OF SALARIES.

SECTION 1. The Town Council shall regulate the salaries of and fix the compensation to be paid to all the officers of the town. Of salaries

CHAPTER IX.—MISCELLANEOUS PROVISIONS

SECTION 1. When it shall be necessary to take private property for public use, the Town Council shall make just compensation therefor to the person whose property is so taken, and if the amount of such compensation cannot be agreed upon, the President shall cause the same to be ascertained by a jury of six disinterested freeholders of the town, to be selected as jurors in Justices Courts, and the parties interested shall have the same power of challenging the jurors as is allowed in Justices Courts. Of taking private property for public way

SEC. 2. The jury in ascertaining the amount of damages incurred in taking property for public use, shall take into consideration the benefit as well as the injury happening by such appropriating of private property for public use.

SEC. 3. The Town Council shall have power, by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to their respective fronts, for the purpose of paving and grading the streets, sidewalks, or lighting the same. Special tax for street improvements

SEC. 4. The Town Council shall have power, for the purpose of keeping the streets, lanes, alleys, avenues, wharves and sidewalks in repair; to require every male inhabitant in said

Labor on streets—who are subject to

town over twenty-one years of age, to labor on said streets, avenues, alleys, wharves and sidewalks, not exceeding two days in each and every year, and every person failing to perform such labor when duly notified by the Supervisor, shall forfeit and pay the sum of one dollar per day for each and every day so neglected or refused to work.

Suits how instituted

SEC. 5. All suits, actions, and prosecutions instituted, commenced, and prosecuted or brought by the corporation, shall be in the name of the Town of Taylors Falls.

Appeals how made

SEC. 6. Appeals shall be allowed from decisions in all cases arising under the provisions of this Act, or any ordinance passed in pursuance thereof, to the District Court of Chisago county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by Justices of the Peace to the District Court under the laws of this State.

Town Marshal—jurisdiction

SEC. 7. The Town Marshal, or any other officer authorized to execute writs or other process issued by the Town Justice of the Peace, shall have power to execute the same within the limits of Chisago county, and shall be entitled to the same fees for traveling as are allowed in similar cases.

Delivery of books to successors

SEC. 8. The President, Recorder and other officers of said corporation shall, on demand, deliver to their successors in office, all such books, papers and other property belonging to or appertaining in any wise to said corporation.

Public act

SEC. 9. This Act is hereby declared a public act, and may be read in evidence in all Courts of law and equity in this State without proof.

Suppression of riots

SEC. 10. Any member of the Town Council is hereby authorized to call upon every male inhabitant of said town over the age of twenty-one years, to aid in enforcing the laws and ordinances, and in case of riot, the President shall have power to call out the militia to aid in suppressing the same, or carrying into effect any law or ordinance, and any person who shall not obey such call, shall forfeit to said town a fine not exceeding ten dollars.

Omission of duty or misconduct in office

SEC. 11. In case the President, or any town officer, shall at any time be guilty of a palpable omission of duty, or shall wilfully or corruptly be guilty of oppression, malconduct, or partiality in the discharge of the duties of his or their office, he or they shall be liable to be indicted in the District Court for Chisago county, or shall answer in civil action to such omission, oppression, defalcation, malconduct or partiality, and on conviction, he or they shall be fined not more than five hundred dollars, and the Court shall have power, (on the recommendation of the Jury,) to add to the judgment of the Court, that he or they be removed from office and have power to increase the fine.

SEC. 12. When any tax has been levied, it shall be the duty of the Recorder to make out a duplicate of the taxes, charging each individual owning property in said corporation,

with the amount assessed on each item of property as found on the assessment roll, duly corrected on the books of the county for the same year, which duplicate shall be certified by the President and Recorder, and one copy thereof shall be placed in the hands of the Marshal, whose duty it shall be to collect said tax in the same manner and under the same regulations as other county or town taxes are collected, and the collector shall pay over said taxes immediately after collecting the same, to the Treasurer of said corporation, taking his receipt therefor, and the said Marshal shall have the same power to sell property, both real and personal, for the non-payment of the corporation taxes as is given to the Town or County Collectors under the laws of the State. Tax duplicate and collection of taxes

SEC. 13. The officers elected at the annual election, shall qualify and enter upon the discharge of their duties on the first Monday of each and every year, and shall continue in office until their successors are elected and qualified. Tenure of office

SEC. 14. This Act may be amended or repealed at any future Legislature, by request, through petition of a majority of the qualified electors of said town.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July fifteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 15, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXVI.

An Act to incorporate the City of Anoka.

CHAPTER 1. Boundaries of City.
2. Of the City Government.
3. Of the Chief Executive Officers.
4. Of the City Elections.
5. Of the Legislative powers of the Council.
6. Of the duties and powers of the Mayor.
7. Of the authority of the City Justice.
8. Of proceedings in the opening and grading of streets.
9. Of Miscellaneous provisions.

Be it enacted by the Legislature of the State of Minnesota:

CHAPTER I.

BOUNDARIES.

SECTION 1. All the District or country in the county of

Boundaries and corporate powers

Anoka contained within the limits and boundaries hereinafter described, shall be a city by the name of Anoka; and the people now inhabiting, and those who shall hereafter inhabit within the District of country herein described, shall be a municipal corporation by the name of the City of Anoka, and shall have the general powers possessed by municipal corporations at the common law, and the authorities thereof shall have perpetual succession; shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded, in all Courts of law and equity; and shall have a common seal, and may change and alter the same at pleasure.

SEC. 2. The limits of said city shall be all that district of country on the east side of the Mississippi River, commencing at a point where the section line between sections seventeen (17), and eighteen (18), township thirty-one (31), north range twenty-four (24) west, intersects the Mississippi River on the east side; thence running due north along on said line to the township line between towns thirty-one (31) and thirty-two (32), north range twenty-four (24), west; thence running west on said line to the Mississippi River; thence along down the channel of said river to the point of beginning. The said city of Anoka shall be divided into two wards, as follows: All of said city lying on the east side of Rum River, to be the First Ward, and all lying west of Rum River to be the Second Ward.

CHAPTER II.

GOVERNMENT OF THE CITY.

SECTION. 1. There shall be a City Council, to consist of a Mayor and Board of Aldermen.

The government of the city

SEC. 2. The Board of Aldermen shall consist of three members from each ward, to be chosen for two years by the qualified voters of each respective ward.

SEC. 3. No person shall be an Alderman unless at the time of his election he shall have resided six months within the limits of the city, and shall be at the time of his election twenty-one years of age.

SEC. 4. At the first meeting of the City Council, the Aldermen in each ward shall be divided by lot in two classes. The seats of those of the first shall be vacated at the first annual election, and of the second class at the second annual lection. So that one-half of the said Board shall be elected annually.

SEC. 5. The City Council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.

SEC. 6. A majority of the City Council shall constitute a quorum to do business, but a smaller number may adjourn

from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance. The government of the city

SEC. 7. The City Council shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

SEC. 8. The City Council shall keep a Journal of its proceedings, and ayes and nays, when demanded by any member present, shall be entered on the journal.

SEC. 9. No Alderman shall be appointed to any office under the authority of the city, which shall have been created, or the emoluments of which shall have been increased during the time for which he shall have been elected.

SEC. 10. The Mayor and each Alderman, before entering upon the duties of their office, shall take and subscribe an oath that they will support the Constitution of the United States and the Constitution of the State of Minnesota, and that they will well and truly perform the duties of their office to the best of their abilities.

SEC. 11. Whenever there shall be a tie in an election there shall be a new election ordered in such manner as shall be provided for by ordinance.

SEC. 12. There shall be twelve stated meetings of the City Council each year, at such times and places as may be prescribed by ordinance.

CHAPTER III.

OF THE CHIEF EXECUTIVE OFFICERS.

SECTION. 1. The chief executive officer of the city shall be a Mayor, who shall be elected by the qualified voters of the city, and shall hold his office for one year and until his successor shall be elected and qualified. The mayor—eligibility

SEC. 2. No person shall be eligible to the office of Mayor, who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age.

SEC. 3. If any Mayor during the time for which he shall have been elected, remove from the city, his office shall be vacated.

SEC. 4. Whenever an election of Mayor shall be contested, the City Council shall determine the same in such manner as may be prescribed by ordinance.

SEC. 5. Whenever any vacancy shall happen in the office of the Mayor, it shall be filled by election.

CHAPTER IV.

OF ELECTIONS.

SECTION. 1. On the first Monday of September next, an election shall be held in said city for Mayor, six Aldermen and

City election

one Justice of the Peace, and thereafter on the first Monday of April, in each year, there shall be an election for one Mayor, three Aldermen, and one Justice of the Peace. The first election for Mayor and Aldermen shall be held by the qualified voters residing within the limits of the city of Anoka, as described in Chapters first and second of this Act. Each ward in said city shall constitute an election precinct, and it shall be the duty of the Judge of Probate of Anoka county to appoint to each ward in said city of Anoka, three Judges of Election, whose duties shall be the same as prescribed by law, and it shall be the duty of the Register of Deeds for said county to cause notice of the time and place of holding the first election to be held under this charter, the same as prescribed by law, for precincts at regular elections, and the returns shall be made to the Register of Deeds, and he shall canvass the same and issue certificates of election to persons having the highest number of votes; *Provided*, That in all subsequent elections for choice for city officers, the election shall be held in such manner as shall be prescribed by ordinance.

SEC. 2. All free white male inhabitants over the age of twenty-one years, who are entitled to vote for precinct officers, and who have been actual residents of said city four months next preceding said election, shall be entitled to vote for precinct officers.

CHAPTER V.

OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Assessment and collection of taxes

SECTION. 1. The City Council shall have power and authority to levy and collect taxes on all property, real and personal within the limits of the city, not exceeding one per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance not repugnant to the Constitution of the United States or the Constitution of this State.

Appointment of city officers

SEC. 2. The City Council shall have power to appoint a Clerk, Treasurer, Assessor, Marshal, Supervisor of streets, and such other officers as may be necessary.

Bonds and oath of office

SEC. 3. The City Council shall have power to require of all officers appointed in pursuance of this charter, such bonds with penalties and security, for the faithful performance of their respective duties as may be deemed expedient, and also to require all officers appointed, as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the duties of the same. To establish, regulate and support common schools, to borrow money on the credit of the city; *Provided*, That no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum, nor shall the

interest on the aggregate on, all sums outstanding, ever exceed one-half of the city revenue, arising from taxes assessed on real property within the limits of the city corporation.

General powers of the council

SEC. 4. To appropriate money and provide for the payment of the debt and expenses of the city.

SEC. 5. To make regulations to prevent the introduction of any contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same within five miles of the city.

SEC. 6. To establish hospitals and make regulations for the government of the same.

SEC. 7. To make regulations to secure the general health of the inhabitants, and to prevent nuisances, and to remove the same.

SEC. 8. To open, alter, abolish, widen, extend, establish, grade, repair, or otherwise improve and keep in repair streets, avenues, lanes and alleys.

SEC. 9. To establish, erect and keep in repair bridges.

SEC. 10. To alter the boundaries of wards and erect additional wards, as the occasion may require, and to provide for the election of Aldermen of each ward.

SEC. 11. To provide for the lighting of streets and the errection of lamp posts.

SEC. 12. To establish, support and regulate night watches.

SEC. 13. To erect market-houses, establish markets, and market places, and provide for the government and regulation thereof.

SEC. 14. To provide for the erection of all needful buildings for the use of the city.

SEC. 15. To provide for the enclosing, improving and regulating all public grounds belonging to or in the city.

SEC. 16. To improve and preserve the landing on the Mississippi River within the limits of the city.

SEC. 17. To erect, repair and regulate public wharves and docks. To regulate the erection and repair of private wharves and docks and the rates of wharfage thereat.

SEC. 18. To regulate and tax merchants, retailers, taverns, groceries, ordinaries, bankers, pedlers, brokers, pawn-brokers and money-changers.

SEC. 19. To license, tax and regulate hacks, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, drayage and cartage of property.

SEC. 20. To license and regulate porters, and fix the rate of porterage.

SEC. 21. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

SEC. 22. To restrain, prohibit and suppress gaming, bawdy and other disorderly houses.

SEC. 23. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

General powers of the council

SEC. 24. To regulate and prohibit the erection of wooden buildings.

SEC. 25. To regulate the fixing of chimneys, stove pipes and the flues thereof.

SEC. 26. To regulate the storage of gunpowder, tar, pitch, rosin and other combustible materials.

SEC. 27. To regulate and order parapet walls and partition fences.

SEC. 28. To establish standard weights and measures to be used in the city, in all cases not otherwise provided for by law.

SEC. 29. To provide for the inspection and measuring of lumber and other building materials, and for the measurement of all kinds of mechanical work.

SEC. 30. To provide for the inspection and weight of hay and stone coal, the measuring of charcoal, fire-wood and other fuel to be sold and used in the city.

SEC. 31. To provide for and regulating the inspection of tobacco, beef, pork, flour, meal and whisky in barrel.

SEC. 32. To regulate the inspection of butter, lard and other provisions.

SEC. 33. To provide for taking the enumeration of the inhabitants of the city.

SEC. 34. To regulate the election of city officers and provide for removing from office any person holding an office created by ordinance.

SEC. 35. To regulate the Police of the city, impose fines, forfeitures and penalties for the breach of any ordinance; and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

SEC. 36. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this Act, of any ordinance; *Provided*, That no city officer created under the provisions of this Act, shall be entitled to, or receive any compensation whatever for services until two years after the adoption of this Charter, by the legal voters within the boundaries prescribed in Section two of Chapter one of this Act.

SEC. 37. The City Council shall have power to make all ordinances, which shall be necessay and proper for carrying into execution the powers specified in this Act, so that such ordinance be not repugnant to, nor inconsistent with the Constitution of the United States and the Constitution of this State.

SEC. 38. The style of the ordinances of the city shall be: "Be it ordained by the Council of the city of Anoka."

SEC. 39. All ordinances passed by the City Council shall, within one month after they shall have been passed, be published in some newspaper published in the city, or by notice posted in three public places in the city, and shall not be in force until they shall be published as aforesaid.

SEC. 40. All ordinances of the city may be proven by the seal of the corporation, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received in evidence in all Courts or places without further proof.

CHAPTER VI.

OF THE MAYOR.

SEC. 1. The Mayor shall preside at all meetings of the City Council and shall have a casting vote and no other, in case of non-attendance of the Mayor at any meeting, the Board of Aldermen shall appoint one of their own members Chairman, who shall preside at that meeting. Powers and duties of the Mayor

SEC. 2. The Mayor or any two Aldermen may call special meetings of the City Council.

SEC. 3. The Mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of the city. He shall inspect the conduct of all subordinate officers of said city, and cause negligent and persistent violations of duty to be prosecuted and punished. He shall from time to time communicate to the Aldermen such information, and recommend all such measures as, in his opinion, may tend to the improvement of the finances, the police, the health, the security, the comfort and ornaments of the city.

SEC. 4. He is hereby authorized to call upon every male inhabitant of said city, over the age of eighteen years, to aid in enforcing the laws and ordinances, and in case of riot, to call out the militia to aid him in suppressing the same, or carrying into effect any law or ordinance; and any person who shall not obey such call, shall forfeit to said city, a fine not exceeding ten dollars.

SEC. 5. He shall have power whenever he may deem it necessary, to require of any officer of said city, an exhibit of his books and papers.

SEC. 6. He shall have power to execute all acts that may be required of him by any ordinance, made in pursuance of this Act.

SEC. 7. He shall also have such jurisdiction as may be vested in him by ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the health and quarantine ordinances and regulations thereof.

SEC. 8. He shall receive for his services such salary as shall be fixed by an ordinance of the city.

SEC 9. In case the Mayor shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct, or partiality in the discharge of the duties of his office, he shall be liable to be

indicted in the District Court for Anoka County, and on conviction, he shall be fined not more than five hundred dollars, and the Court shall have power (on the recommendation of the jury,) to add to the judgment of the Court, that he be removed from office.

CHAPTER VII.

OF CITY JUSTICE OF THE PEACE.

Powers and duties of the city Justice

SEC. 1. The Justice of the Peace for the city shall possess all the authority, powers, and rights of a Justice of the Peace, except he shall in no case entertain any civil proceedings to which the city is not a party, and shall have sole, exclusive jurisdiction to hear all complaints, and conduct all examinations and trials in criminal cases within the city, cognizable before a Justice of the Peace; but warrants returnable before the said Justice, may be issued in criminal cases by any other Justice of the city, but no fee shall be received therefrom by said Justice. Said Justice shall have exclusive jurisdiction in all cases in which the city is a party, and he shall have the same power and authority in cases of contempt as a Court of Record; *Provided*, That nothing herein contained shall be deemed to divest the District Judges of their authority as conservators of the peace, nor to effect in any manner the jurisdiction or powers of the District or Supreme Courts of the State. In case of the absence, sickness, or other inability of said Justice, or for any sufficient reason, the Mayor by warrant may authorize any other Justice of the Peace within the said city, to perform the duties of said Justice; and it shall thereupon be the duty of the Mayor to inform tee Attorney and Marshal of such substitution, and make report thereof to the Common Council, and they may confirm or set aside such appointment, or appoint some other Justice of the Peace; and the Justice so appointed shall, for the time being, possess all the authority, powers and rights of said Justice of the Peace for the city.

SEC. 2. The Justice of the Peace for the city shall quarterly report to the Common Council a list of all proceedings instituted before him in behalf of the city, and the disposition thereof; and shall, at the same time account and pay over the amount of all penalties and costs collected, which may by law accrue to the city. He shall be entitled to receive from the city such fees in criminal cases as are allowed to other Justices of the county for similar services.

CHAPTER VIII.

PROCEEDINGS IN SPECIAL CASES.

SEC. 1. When it shall be necessary to take private property for opening, widening, or altering any public street, lane,

avenue or alley, the corporation shall make just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed on, the Mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city, to be selected as jurors in Justices' Courts. Opening of streets &c—assessment of damages and benefits how made

SEC. 2. When owners of two-thirds of the property on a street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the City Council may open, widen or alter such street, lane, avenue or alley, upon condition to be prescribed by ordinances, but no compensation shall, in such case, be made to those whose property shall be taken for the opening, widening, or altering such street, lane, avenue or alley, nor shall there be any assessments or benefits or damages, that may accrue thereby to any of the petitioners.

SEC. 3. Jurors empanneled to enquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall be shown to that effect, and shall return to the Mayor an inquest in writing, signed by each juror.

SEC. 4. In ascertaining the amount of compensation for property taken for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley.

CHAPTER IX.

MISCELLANEOUS PROVISIONS.

SEC. 1. The City Council shall have power, for the purpose of keeping the streets, lanes, avenues, and alleys in repair, to require every male inhabitant in said city, over twenty-one years of age, to labor on said streets, lanes, avenues, or alleys, not exceeding three days in each and every year; and any person failing to perform such labor, when duly notified by the Supervisor, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused. Labor upon the public streets—who are subject to

SEC. 2 The City Council shall have power by ordinance, to levy and collect a special tax on the holders of the lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to their respective fronts, for the purpose of paving and grading the side walks, and lighting such street, lane, avenue or alley. Special tax for paving and grading sidewalks

SEC. 3. The City Council shall cause to be published annually, on the first Monday in January, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended. Receipts and expenditures

Suits how brought

SEC. 4. All suits, actions and prosecutions instituted, connected or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Anoka.

Appeals how made

SEC. 5. Appeals shall be allowed from decisions in all cases arising under the provisions of this Act, or any ordinance passed in pursuance thereof, to the District Court of Anoka county, and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by Justices of the Peace to the District Court under the law of this State.

Absence of Mayor

SEC. 6. Whenever the Mayor shall absent himself from the city, or shall resign or die, or his office shall be otherwise vacated, the Board of Aldermen shall immediately proceed to elect one of their number President, who shall be Mayor *pro tem.*

Declared a public act

SEC. 7. This Act is hereby declared to be a public act, and may be read in evidence in all Courts of law and equity in this State, without proof.

City Marshal jurisdiction of

SEC. 8. The City Marshal or any other officer authorized to execute writs, or other process issued by the City Justice of the Peace, shall have power to execute the same within the limits of Anoka and Hennepin counties, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases.

Submission of this charter to the people

SEC. 9. On the fourth Monday of August, the legal voters within the boundaries prescribed in Section 2, of Chapter 1, of this Act, shall meet at the Third Avenue School House, in Anoka, and those voters in favor of the adoption of this City Charter, shall deposit in a box to be prepared by the Judges of Election, ballots, written or printed thereon, as follows: "For City Charter—Yes!" Those opposed shall deposit ballots, "For City Charter—No!" The aforesaid Judges of Election prescribed in this Section, shall be appointed by the Register of Deeds of Anoka county, and the said Judges of Election shall canvass the votes so given as above described, and make due returns thereof to the Register of Deeds of said county of Anoka, who shall make proclamation of the result by posting the same in three public places within four days after the election before mentioned in this Section. If it shall appear that this City Charter shall be adopted by a majority of the voters present and voting, this Act shall take immediate effect; but if the said Charter shall be rejected, then this Act shall be null and void.

SEC. 10. The Legislature may alter, amend or repeal this Act at any time.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-ninth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 29, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXVII.

An Act to Incorporate the Town of Cleveland.

SECTION 1. Boundaries of the Town.
2. First election for Trustees and Justices of the Peace.
3. Manner of conducting the election.
4. Powers of the Town Council.
5. Receipts and expenditures to be posted annually.
6. Improvement of streets, how made.
7. Corporation tax, power to levy.
8. Collection of taxes, how made.
9. Justice of the Peace, his powers.
10. Authorized to use county Jail.
11. Delivery of books to successors.
12. Marshal, his duties.
13. Restriction against borrowing money.
14. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much Territory as is contained in the east one-half of the north-west quarter of section twenty-one, and the north-east quarter of section twenty-one, and the north-west quarter of section twenty-two, in township one hundred and ten, north of range twenty-five west, is hereby constituted and incorporated, and is hereby made a municipa corporation by the name of Cleveland, and the inhabitants occupying the above described country or lands, shall have and possess power by, in and under said corporate name to acquire property real and personal, or mixed, for the use of said town, and may sell and convey the same at pleasure, may sue and be sued, defend and be defended, in all manner of actions in all Courts of law or equity. Boundaries of the town

SEC. 2. The inhabitants of said town qualified to vote in State elections, shall meet on the first Wednesday of August, A. D. 1858, at ten o'clock in the forenoon, at the school house in said town, and at the same time annually afterwards, at

such place as the Town Council may direct, and shall then and there proceed by ballot to elect a Justice of the Peace and four Trustees. The Justice of the Peace and the four Trustees shall constitute the Town Council, over whom the Justice of the Peace so elected shall preside as President, and in his absence the Town Council shall have power to appoint one of their number to preside, and a majority of the same shall constitute a quorum for the transaction of any business pertaining to their official duties. They shall have power to elect a Clerk from their own number, whose duties, except as hereinafter provided, shall be directed or appointed by the Town Council, and said officers shall hold their respective offices for the term of one year, and until their successors are elected and qualified.

First election for trustees and justice of the peace

Manner of conducting election

SEC. 3. At the first election held under this Act, there shall be chosen *viva voce* by the electors present, two Judges and a Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act, and at all subsequent elections the Trustees or any two of them shall be Judges, and the Clerk of the Town Council, or in his absence some person appointed by the Judges shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock A. M., and closed at four o'clock P. M. of the same day; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true report thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of the said Town Council, at least ten days before each and every election, to give notice of the same, by setting up advertisements at three of the most public places in said town, and by one insertion of the same in any public newspaper that may be published in said town. Each member of said Town Council, before entering upon the duties of his office, shall take and subscribe an oath or affirmation to support the Constitution of the United States, and of this State, and also an oath of office.

Powers of town council

SEC. 4. The Town Council shall have power to fill all vacancies which may occur in said board, from the voters of said town, who shall hold their appointment until the next annual election, and until their successors shall be elected and qualified. The said Town Council shall have power to make, ordain and establish by-laws, ordinances, rules and regulations for the government of said town; and the same to alter, amend or repeal at pleasure; to provide in such by-laws for the appointment or election of a Treasurer, Town Marshal, and of all other subordinate officers which they may think necessary for the good government, and well being of said town; to prescribe their duties, and determine the period of their appointment, and the fees they shall be entitled to receive for their respective services, when the same is not pro-

vided for by law, and require of them to take an oath of office previous to entering upon the duties of their respective offices, and may require of them a bond with security conditioned for the faithful performance of their duties of their respective offices. The Town Council shall also have power to fix for a violation of the by-laws and ordinances of the corporation, reasonable fines and penalties: *Provided*, That such by-laws and ordinances be not inconsistent with the Constitution and laws of this State: *And provided also*, That no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted up at least ten days in three public places in said town, and the certificate of the Clerk entered upon the records of said Town Council, shall be deemed and taken as sufficient evidence of such publication. Powers of council

SEC. 5. The Town Council shall at the expiration of each and every year, cause to be made out and posted up as aforesaid, the receipts and expenditures of the preceding year. Receipts and expenditures to be posted annually

SEC. 6. The Town Council shall have power to regulate and improve the streets and alleys, and determine the width of the side-walks in said town, to regulate the public grounds, to erect a market house, and regulate the markets, to remove all nuisances and obstructions from the streets and commons of said town, to prevent any riots, noise, disturbance, disorderly assemblages, suppress and restrain disorderly houses, and houses of ill-fame, and to authorize the destruction of all instruments used for the purpose of gaming, and to do all other things which similar corporations have power to do in order to provide for, and secure health, cleanliness and good order in said town. Improvement of streets how made

SEC. 7. The Town Council is hereby authorized and empowered to assess a tax for corporation purposes, within the limits of said corporation, made taxable by laws of this State, so that said tax shall not exceed in any year five mills on the dollar of valuation, as the same may be found on the books of the County Commissioners of the county in which said town may be situated. Corporation tax--power to levy

SEC. 8. When any tax is levied it shall be the duty of the Clerk to make out a duplicate of the taxes, charging each individual owning property in said corporation with the amount assessed on each item of property, as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Clerk, also one copy thereof placed in the hands of the Marshal or such other person as shall be appointed to collect said tax, in the same manner and under the same regulations as the county taxes are collected, and the said Marshal or such other person as may be appointed Collector, shall immediately after collecting said tax, pay the same over to the Treasurer of said corporation, and take his receipt therefor, and the said Marshal or other Collector, shall have the same power to sell both Collection of taxes--how made

real and personal property for the non-payment of corporation taxes, as is given to the county Collector, and make the necessary conveyance in the same manner as is provided by law for the conveyance of property sold for the payment of county taxes, and the Marshal or other Collector shall receive for his fees such sum as the Town Council may direct, not exceeding six per centum on all moneys by him so collected and paid over as required by law.

Collection of taxes how made

Justice of the peace—his powers

SEC. 9. The Justices of the Peace elected under the provisions of this Act, shall have and possess the same power and authority and jurisdiction within the limits of said town, as is or may be conferred by law upon Justices of the Peace in the several counties. Such Justice of the Peace shall docket a fair and true record of his proceedings, judgments and executions in all cases which may come before him, and shall be entitled to the same fees as are allowed to Justices of the Peace for similar services.

Authorized to use county jail

SEC. 10. Said corporation shall be allowed the use of the jail of the county for the imprisonment of such persons as may be liable to imprisonment under the by-laws, and ordinances of said corporation, and such person or persons shall be under the charge of the Sheriff of said county as in other cases.

Delivery of books to successors

SEC. 11. The officers of said corporation shall, on demand, deliver to their successors in office, all such books and other property as appertain in anywise to said coporation.

Marshal—his duties

SEC. 12 The Marshal or any other officer authorized to execute writs or other process, issued by the Justice of the Peace, shall have power to execute the same within the limits of the county in which said town may be located, and shall be entitled to the same traveling fees as are allowed to constables in similar cases.

Restriction against borrowing money

SEC. 13. Said town shall have no power to borrow money, nor be liable to pay money borrowed on its account, nor for advances in its behalf by its officers or any other persons, nor shall said town incur any debt or liability for any purpose whatever, which is not fully covered and provided for by the tax authorized in Section eight of this Act.

SEC. 14. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.

WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-fourth, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor, *ad interim*.

SECRETARY'S OFFICE, Minnesota, June, 24, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN Secretary.

CHAPTER CXVIII.

An Act to Incorporate the Town of Mankato.

SECTION 1. Boundaries of the Town.
2. Town elections to be held.
3. Corporate powers.
4. Record of Council proceedings.
5. Vacancies, how filled.
6. Powers of the Town Council.
7. Corporation tax, authority to assess.
8. Collection of taxes, how made.
9. Delivery of books and papers to successors.
10. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much Territory as is contained in the following described limits, viz: Lots number one, two and three, and the south-west quarter of the south-east quarter of section seven, and the north half of the north-west quarter of the north-east quarter of section eighteen, in township one hundred eight, north of range twenty-six west of the fifth principal meridian, be and the same is hereby created a town corporate by the name of the Town of Mankato. Boundaries of the town

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, having the qualifications of electors of the State Legislature, to meet at the usual place of holding elections in said town, on the fifteenth day of April next, and annually thereafter at such time and place as the Town Council may direct, and then, and there proceed to elect by ballot one President, one Recorder and three Trustees, being householders of said town, and having the qualifications of electors as aforesaid. Town elections to be held

SEC. 3. The President, Recorder and Trustees of said town are hereby created a body politic, and corporate with perpetual succession, to be known by the name of "The Town Council of Mankato," and they shall be capable by their corporate name aforesaid, to sue and be sued, plead and be impleaded, defend and be defended, in all Courts of law and equity; they may acquire property, real, personal and mixed for the use of said town, and may sell and convey the same at pleasure. They may have a common seal which they may alter or renew at pleasure, and when any suit shall be commenced against said corporation, the first process shall be served by an attested copy thereof, left with the Recorder at his usual place of residence, at least six days previous to the return day of such process, and this corporation shall be competent to have and exercise all rights and privileges, and be subject to all the duties and obligations usually appertaining to municipal corporations. And the Corporate powers

members of said Town Council shall, before entering upon the duties of their offices, take and subscribe an oath to support the Constitution of the United States, and also an oath of office.

Records of council proceedings

SEC. 4. The President, and in his absence the Recorder shall attend all meetings of said Council, and make a fair and accurate record of their proceedings, and of the by-laws, rules and ordinances made or passed by said Council, and the same shall be open for inspection of the electors of said town.

Vacancies how filled

SEC. 5. The said Town Council shall have power to fill all vacancies which may occur in said Board, from the householders of said town, who shall hold the appointment until their successors shall be elected and qualified; and in the absence of the President and Recorder from any meeting of the Town Council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Secretary for the time being.

Powers of the town council

SEC. 6. The Town Council aforesaid, shall have power to make, ordain and establish by-laws and ordinances for the government of said town; *Provided*, That no such by-laws and ordinances shall conflict with the laws of the United States, or of this State; and to fix reasonable fines and penalties for the violation of the same, to provide for the election of a Treasurer and Marshal and suitable subordinate officers of said town, and to fix the compensation of said officers, to regulate and improve the levies, piers, streets and alleys, determine the width of side-walks, to regulate the public grounds, to remove all nuisances and obstructions from the streets and public grounds of said town, and to do all things which similar corporations have power to do, in order to provide for the health, security and good order of said town.

Corporation tax authority to assess

SEC. 7. For the purpose of enabling the said Council to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes, on all taxable property within the limits of said corporation, which tax shall not exceed in any year, one cent on the dollar valuation, as the same may be found on the books of the Commissioners of the county in which said town may be located, at the time of assessing such tax.

Collection of taxes how made

SEC. 8. When any tax is levied it shall be the duty of the Recorder to make out a duplicate of the taxes assessed against each individual, and on each item of property, which duplicate shall be certified by the President and Recorder, and one copy placed in the hands of the Marshal, whose duty it shall be to collect such tax in the same manner, and under the same regulations as county taxes are collected in this State; and the said Marshal shall immediately after collecting such tax, pay the same over to the Treasurer of said Corporation and take his receipt therefor. And the Marshal

shall have power to sell property both real and personal, in the same manner and under the same regulations as the collector for county taxes; for the non-payment of said corporation tax, and when necessary, the Recorder shall have power to make deeds in the same manner as Sheriffs' do, and the Marshal shall receive for his fee, such sum as the Town Council may direct, not to exceed six per cent. of the taxes by him collected.

Delivery of books and papers to successors

SEC. 9. The President, Recorder and other officers of said town, shall on demand deliver to their successors in office all books, paper or other property belonging to said town.

SEC. 10. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—July fifteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 15, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXIX.

An Act to amend an Act entitled "An Act to Incorporate the Town of Bancroft," Approved May 23, 1857.

SECTION 1. Amendment to Chapter 51, Extra Session Laws of 1857, relating to Town Boundaries.
2. Amendment relating to first Town officers.
3. Repeal of former Acts.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section one of an Act entitled "An Act to incorporate the Town of Bancroft," Approved May 23, 1857, is hereby amended so as to read as follows:

SEC. 1. That the following designated and described

Relating to town boundaries

tracts of land lying and being in the County of Freeborn, viz: The north-west quarter of section twenty-eight, the east half of the north-east quarter of section twenty-nine, and the south half of the south-west quarter of section twenty-one, all in township one hundred and three, north of range twenty-one west, be and the same are hereby created into a town corporate, by the corporate name of the Town of Bancroft.

SEC. 2. Section two of the Act to which this is amendatory, is hereby amended so as to read as follows:

Relating to first town officers

SEC. 2. That for the good order and improvement of said town, William S. Combs is hereby appointed President, and Willard N. Oliver, David Blakely, Charles Olson and Moses R. Comfort, are hereby appointed Trustees, which said Board of Trustees shall elect a Secretary, and the said President, Trustees and Secretary, shall constitute the Council of said town, and shall hold their office until their successors are elected and qualified.

Repeal of former acts

SEC. 3. All acts or parts of acts inconsistent with this Act are hereby repealed.

SEC. 4. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXX.

An Act to amend an Act to amend an Act to Incorporate the Town of La Crescent.

SECTION 1. Amendment to Chapter 18 of Regular Session Laws of 1858, relating to Powers of Justice of the Peace.
2. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section eight of Chapter sixteen, of the Session Laws of 1857, after the word "writing," in the

eventh line of said Section, be and the same is hereby mended so as to read as follows, viz:

Relating to powers of justices of the peace

As a judicial officer he shall have concurrent jurisdiction rith Justices of the Peace of the County of Houston, of all ases arising out of the violation of any ordinance of said own; and provided he file an oath and bond as required of ustices, he may exercise both criminal and civil jurisdiction, concurrent and co-extensive with that of a Justice of he Peace of Houston County.

SEC. 2. This Act shall take effect and be in force from and fter its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March sixteenth, one thousand eight hundred nd fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 16, 1858.

I hereby certify the foregoing to be a true copy of the riginal on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXXI.

An Act to amend an Act entitled "An Act to Incorporate certain Towns."

SECTION 1. Amendment to Chapter 18, Extra Session Laws, Section 12, providing Town officers, and for a Town election.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 12 of said Act be amended so as to read as follows: That so much land as is contained in the town site of Manannah, Meeker county, viz: township 121, range 31 and 32, and sections 25 and 30, be and the same is hereby created a town corporate and politic by the name of Manannah.

Amendment to chap 18, extra session laws, sec 12, providing town officers, and for a town election

SEC. 2. That for the good order and government of said town, J. M. Walker, shall be President, F. G. Gould, Secretary, H. Hardeen, N. Carswell, and E. Pierson, Trustees. Said President, Secretary and Trustees shall constitue a Town Council of said town, and three of whom shall constitute a quorum to transact business, and shall continue in office until their successors are duly elected and qualified.

SEC. 3. That the qualified voters of said town shall meet at the usual place of holding elections in said town, on the second Tuesday of September, and annually thereafter, to elect one President, one Secretary and three Trustees, who shall constitute the Town Council of said town.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June the seventeenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 17, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXXII.

An Act to Incorporate the Town of Maple Lake, Wright County.

SECTION 1. Boundaries of the Town.
2. First Town officers.
3. Authority to enter Town site.
4. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That so much land in township 121 north, and range 26 west, as is surveyed mapped and recorded in the office of the Register of Deeds of Wright county, and known as "Geneva," be and the same is hereby created a town corporate by the name of Maple Lake, with all the power, privileges and responsibilities usually enjoyed by municipal corporations.

SEC. 2. That James C. Beekman, Ira H. Keen, and Charles B. Jordan, are hereby appointed Trustees of said town, who shall hold their offices until their successors are elected and qualified; and the corporate name of said town organization shall be, "the Town Council of Maple Lake." First town officers.

SEC. 3. That the Trustees of said town shall have power to enter so much land within the corporate limits of said town as can be entered under the provisions of the act of Congress entitled "An Act for the relief of citizens of towns upon the lands of the United States under certain circumstances," approved May 23d 1844. Authority to enter town site.

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHARLES L CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXXIII.

An Act to amend an Act entitled an Act to Incorporate the City of Winona, approved March 6, 1857.

SECTION 1. Amendment to Chapter 41, Regular Session Laws of 1857, relating to a change in the City Boundaries.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section one of Chapter one, of an Act entitled An Act to incorporate the city of Winona, approved March 7, 1857, be amended so as to read as follows:

SEC. 1. That territory included within the following boundaries and limits, shall constitute the city of Winona, beginning at a point in the middle of the Mississippi river, on

Amendment to chap 41, regular session laws of 1857 relating to a change in the city boundary

the continuation of the east line of section number thirty-six (36), in township number one hundred and seven (107), north range number seven (7), west of the fifth (5) meridian, running thence south along the east line of section number twenty-five (25), to the south-east corner of section number twenty-five (25), thence along the north line of sections number thirty-six (36), and thirty-five (35), to the north-west corner of said section number thirty five (35), thence north on the section line to the lake known as Lake Winona, thence westerly along the southerly shore of said lake to the east line of section twenty eight (28), thence north on the section line to the quarter post on the east of said section twenty-eight (28), thence west on the quarter section line to the center of section twenty-eight (28), thence north on the quarter section line to the center of section twenty-one (21), thence west on the quarter section line to the west line of section twenty-one (21), thence north to the north-east corner of section number twenty (20), thence east along the south line of sections number sixteen (16), fifteen (15), and the continuation of said line to a point in the middle of the Mississippi River, thence easterly down the middle of said river to the place of beginning.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twentieth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXXIV.

An Act to Establish the County of Monongalia.

SECTION 1. Boundaries of the county.
2. Appointment of county Commissioners.
3. Meeting of Commissioners.
4. Included in the Fourth Judicial District.
5. Subject to the approval of the voters interested.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much of the Territory as is embraced

within the following limits be and the same is hereby established as the County of Monongalia, viz: Commencing on the line between Meeker and Renville Counties, at the south-east corner of Township 118, north of Range 33, west of fifth principal meridian; thence west to the south-west corner of Township 118, north of Range 35 west, thence due north thirty miles to the north-west corner of Township 122, Range 35; thence east to the north-east corner of Township 122, north of Range 33 west; thence south to the place of beginning. Boundaries of the county see chap 57

SEC. 2. That George C. Wilson, Newton Pierpoint, and William Wheeler, shall constitute a Board of County Commissioners for said County, with full power and authority to perform all the duties usually devolving upon such officers. Duties of the county commissioners

SEC. 3. The said Commissioners shall, upon the second Monday after this Act goes into effect, meet at the town of Irving, which is hereby made the county seat of said Monongalia County, and shall appoint a Register of Deeds and a Sheriff, who shall perform the duties usually allotted to such office, and continue in office until their successors shall have been elected at the next general election, and sworn in; and said Sheriff shall qualify and give bonds according to the requirements of law.

SEC. 4. The said county shall be included in the Fourth Judicial District. To be included in 4th judicial district

SEC. 5. At the next general election, the electors of the several counties affected by the change shall vote for or against the organization of said County; and this Act shall take effect from the time that such organization is assented to by a majority of the said electors. Election by the voters of adjoining counties affected by the lines

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.

RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighth, one thousand eight hundred and fifty eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXXVII.

An Act to Incorporate the Town of Nininger City.

SECTION 1. Boundaries of the Town.
2. Annual election for Town Officers.
3. Tenure of office for Town Officers.
4. Town Elections how conducted.
5. Town Officers to take oath of office.
6. Corporate powers vested in Town Officers.
7. Record of proceedings of Town Council.
8. Official duties of President.
9. Vacancies in Town Council.
10. Town Council to appoint subordinate officers.
11. General powers of Town Council.
12. Corporation tax, how assessed.
13. Collection of Tax, how made.
14. Delivery of Books to successors.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That so much territory as is contained in township 115, north of range 17 west, as included in the following limits: Lots 1, 2, 3 and 4 in the same, and the south half of section 18 of the same, together with all that portion of township 115 north, range 18 west, contained in the following limits, viz: Lots 3 and 4, and the south-east quarter of section 13 of the same, shall be and constitute the town of Nininger City.

Annual elections for town officers

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, having the qualifications of electors of the State Legislature, to meet at the Handyside House, in the town of Nininger, on the second Wednesday after the passage of this Act, and annually thereafter, at such time and place in said town as the Town Council may direct, and then and there proceed by ballot to elect one President, one Recorder and three Trustees, being householders of said town, and having the qualifications of electors as aforesaid.

Tenure of office for town officers

SEC. 3. The President, Recorder and Trustees to be elected as aforesaid, shall hold their offices for one year and until their successors are elected and qualified; and such President, Recorder and Trustees so elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in said Town Council shall be vested the government of said town, and the exercise of its corporate powers and the management of its fiscal, prudential and municipal concerns; and for the better government of said town, it is hereby provided that the jurisdiction of the said Town Council shall extend to the center of the Mississippi River in front of the said town.

Town elections how conducted

SEC. 4. At the first election to be holden under this Act, there shall be chosen, *viva voce*, by the electors present at the time of opening the polls on the day for holding said first election, two Judges and a Clerk of said election, who shall take an oath or affirmation, faithfully to discharge the duties required of them by this Act, and at all subsequent elections, the Trustees or any two of them shall be Judges, and the Recorder, or in his absence some person to be appointed by the Judges shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four in the afternoon of said day; and at the close of the polls, the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of said Town Council, at least five days before each and every election, to give notice of the same by setting up advertisements in three of the most public places in said town. And if a newspaper be published in said town by inserting the notice in said newspaper, at least once before such election.

Town officers to take oath of office

SEC. 5. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates, shall be declared elected by said Judges of the election, and the candidates so elected shall, before entering upon the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States, and the laws of this State, and also faithfully and honestly to discharge the duties of the office, which shall be taken before some Justice of the Peace or Notary Public, and filed with the Recorder.

Corporate powers vested in town officers

SEC. 6. The President, Recorder and Trustees of said town shall be capable in law, by their own corporate name aforesaid, to acquire property, real, personal and mixed, and may sell and convey the same at pleasure. They may have a common seal, which they may break, alter or renew at pleasure, and when any suit shall be commenced against said corporation the first process shall be served by an attested copy thereof, left with the Recorder, or at his usual place of residence, at least six days previous to the return day of such process, and this corporation shall be competent to have and exercise all rights and privileges, and be subject to all the duties and obligations appertaining to a municipal corporation.

Record of proceedings of town council

SEC. 7. The President, and in his absence the Recorder shall preside at all meetings of the Town Council, and the Recorder shall attend all meetings of the Town Council, and make a fair and accurate record of all their proceedings, and of the by-laws, rules and ordinances made and passed by the Town Council aforesaid, and the same shall at all times be open for the inspection of the electors of said town; but in

case of the absence or inability of the Recorder, the Trustees may appoint one of their body Clerk *pro tempore*.

Official duties of president

SEC. 8. The President shall also keep the seal of the said corporation, sign all commissions, licenses and permits, which may be granted by the Town Council; he shall maintain peace and good order, and see that ordinances of the town are observed and executed. He shall have power to administer oaths or affirmations, and to take and certify acknowledgments of deeds and other instruments in writing; as a judicial officer, he shall have concurrent jurisdiction with Justices of the Peace, of the county of Dakota, of all cases for the violation of any ordinance of said town, or under the laws of the State.

Vacancies in town council

SEC. 9. The Town Council shall have power to fill all vacancies which may happen in said board, from the qualified voters of said town, who shall hold their appointments until the next annual election, and until their successors shall be elected and qualified; and in the absence of the President and Recorder from any meeting of the Town Council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Recorder for the time being.

Town council to appoint subordinate officers

SEC. 10. The Town Council shall have power to provide for the employment of attorneys, the appointment or election of a Treasurer, Town Marshal, and all subordinate officers which they may think necessary for the good government and well being of said town, together with two or more disinterested persons to act as commissioners to appraise damages where private property is taken for public use, to prescribe their duties and determine the period of their appointment, and the fees they shall receive for their respective services, when the same is not otherwise provided for by this Act, and to require of them to take an oath of office, previous to entering upon the duties of their respective offices, and shall further require of them a bond with sufficient security, conditioned for the faithful performance of their respective offices. And it is hereby provided that the said Treasurer shall pay no moneys except upon the order of the Town Council, signed by the President, and countersigned by the Recorder; the Town Council shall also have power to fix to the violation of the by-laws, and ordinances of the corporation reasonable fines and penalties; *Provided*, That no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted up in one of the most public places in said town, or published in some newspaper in said town at least ten days, and the certificate of the Recorder entered upon the record of said Town Council, shall be deemed and taken to be sufficient evidence of such publication.

SEC. 11. The Town Council shall have power to enact, establish, publish, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good

order of the town, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws; and such ordinances, rules and by-laws are hereby declared to be, and to have the force of law; *Provided*, That they be not repugnant to the constitution and laws of the United States and of this State, and for these purposes shall have authority, by ordinance or by-laws to organize fire companies, hook and ladder companies; to regulate their government, and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress or sale in any manner; and if the owners shall refuse to procure suitable ladders or fire-buckets, after reasonable notice, the Town Council may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladders or fire-buckets, or both, with costs of suit; to regulate the storage of gunpowder, and other dangerous materials; to direct the safe construction of a place to deposit ashes; to appoint one or more fire wardens to enter into, at reasonable times, and examine all dwelling-houses, lots, yards, enclosures and buildings of every description, in order to discover whether any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove-pipes; to prevent fires, and the use of fireworks and fire-arms within the limits of said town, or such part thereof as they may think proper; to compel the inhabitants of said town to aid in the extinguishment of fires, and to pull down and raze such buildings in the vicinity of the fire as shall be directed by the Town Council, or a majority of them, who may be at the fire, for the purpose of preventing its communication to other buildings; and generally to establish other measures of prudence for the prevention or extinguishment of fires, as they may deem proper.

General power of town council

Second. To prevent, abate and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome or nauseous house or places; to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the town.

Third. To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common laws.

General power of town council

Fourth. To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice or other games of chance, for the purpose of gaming in said town.

Fifth. To prevent any riots, noise, disturbance or disorderly assemblages, with power to demand the assistance of the citizens to effect the same; suppress and restrain disorderly houses, or groceries, or houses of ill-fame, shows and exhibitions.

Sixth. To direct the location and management of all slaughter-houses and markets.

Seventh. To prevent the encumbering the streets, sidewalks, alleys or public grounds with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire-wood or other materials or substance whatever.

Eighth. To prevent horse-racing, immoderate driving or riding in the streets, and to regulate the places of bathing and swimming in the waters within the limits of the town.

Ninth. To restrain the running at large of cattle, swine, sheep, horses, poultry, geese, and to authorize the distraining and sale of the same, or to impose a fine, not exceeding five dollars for every such animal found so being at large in violation of the by-laws of the town.

Tenth. To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large, contrary to the ordinances, or to impose a tax upon the same.

Eleventh. To prevent any person from bringing, depositing, or having within said town any putrid carcass, or any unwholesome substance, and to require the removal of the same by any person who may have on his premises any such substance, or any putrid or unsound beef, pork, fish, hides, or skins of any kind, and in default to authorize the removal thereof, by some competent officer at the expense of such person or persons.

Twelfth. To establish and regulate Boards of Health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burying grounds set apart for public use, from taxation.

Thirteenth. To regulate the establishment of ferries and provide for the protection of the same.

Fourteenth. To provide for the security and protection of bridges.

Fifteenth. To prevent all persons riding or driving any horse, ox or mule, cattle or other animal on the sidewalks in said town, or in any way doing any damage to such sidewalks.

Sixteenth. To restrain drunkards, immoderate drinking, or obscenity in the streets, or public places, and provide for arresting, fining, or imprisoning of any person or persons

who may be guilty of the same, and to regulate, restrict or prevent the sale of intoxicating drinks in said town, and if the same is deemed expedient, grant licenses, with such charges, and under such restrictions, as they may deem proper for the sale of intoxicating drinks in the said town. General power of town council

Seventeenth. To protect trees and monuments in the town.

Eighteenth. To regulate and provide for the improvement and grading of the streets, avenues and alleys of said town; also, to lay out, alter and extend, grade and keep in good repair the levee in front of said town, under such rules and regulations as they may adopt; also, to erect any buildings necessary for the use of said town; also to lay out, enclose, ornament and regulate public grounds and squares; also, to provide for one or more public schools, and the erection of necessary school-houses for the same.

Sec. 12. For the purpose of more effectually enabling the said town to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes, within the limits of said corporation, made taxable by the laws of this State, so that said tax shall not exceed in any one year one per cent. of the valuation of the property, as the same may be found on the books of the County Commissioners of the county within which said town may be located, at the time of assessing said tax. The town shall also have power, if authorized to do so by a majority of all the holders of real estate in said town, at any meeting called for that purpose, to levy, by *viva voce* vote, an additional tax, as above specified, sufficient to carry into effect any of the provisions of this Act, public notice of which meeting, and the object thereof, shall be given by posting up a written or printed notice thereof in at least three of the most public places in said town, ten days before the time of such meeting, and by publishing a copy thereof in the newspaper of said town. Corporation tax how assessed

Sec. 13. When any tax is levied it shall be the duty of the Recorder to make out a duplicate of the taxes charged each individual owning property in said coporation, with the amount assessed on each item of property, as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Recorder, and one copy thereof placed in the hands of the Marshal, or such other person as shall be appointed Collector, whose duty it shall be to collect said tax, in the same manner and under the same regulations as other county taxes are collected, and the said Marshal or such other person as may be appointed Collector, shall, immediately after collecting said tax, pay the same over to the Treasurer of said corporation, and take his receipt therefor. And the said Marshal or other Collector, shall have the same power to sell both real and personal property for the non-payment of the corporation taxes as is given to the County Collector; and when neces- Collection of tax how made

sary, the Recorder shall have power to make deeds in the same manner that sheriffs do, and the Marshal or other Collector, shall receive for his fees such sum as the Town Council may direct not exceeding six per centum on all moneys so by him collected, to be paid by the Treasurer on the order of the Recorder.

Delivery of books to successors

SEC. 14. The President, Recorder or other officers of said corporation, shall, on demand, deliver to their successors in office, all such books and other property as appertain in anywise to said corporation.

SEC. 15. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-sixth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXXVIII.

For An Act to incorporate the town of Elysian.

SECTION 1. Boundaries of the Town.
2. Annual election for Town Officers—Town Council.
3. Town elections, how conducted.
4. Vacancies in Town Council—oath of office of members.
5. Receipts and expenditures to be posted annually.
6. Powers of Council over Streets, Alleys, &c.
7. Corporation tax, limit of.
8. Collection of taxes, how made.
9. Duties of the City Justice.
10. Corporation to have use of County Jail.
11. Delivery of books, &c., to successors.
12. Powers of the Town Marshal.
13. Prohibition against borrowing money.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much Territory as is contained in lots

two, three and four and the south-east quarter of the south-west quarter, section number 35, township 109, north of range 24 west, and lots number one and two in section two, township number 108, north of range 24 west, and lots number eight and nine, and south-west quarter of south-west quarter of section number 35, township 109, north of range 24 west, is hereby constituted and incorporated, and is hereby made a municipal corporation by the name of Elysian; and the inhabitants occupying the above described country or lands, shall have and possess power by, in and under said corporate name, to acquire property, real and personal, or mixed, for the use of said town, and may sell and convey the same at pleasure. They may sue and be sued, defend and be defended, in all manner of actions in all Courts of law or equity. Boundaries of the town

Sec. 2. The inhabitants of said town qualified to vote in State elections, shall meet on the first Wednesday of September, A D. 1858, at ten o'clock in the forenoon, at the school house in said town, and at the same time annually afterwards, at such place as the Town Council may direct, and shall then and there proceed by ballot to elect a Justice of the Peace and four Trustees The Justice of the Peace and the four Trustees shall constitute the Town Council, over whom the Justice of the Peace so elected, shall preside as President, and in his absence, the Town Council shall have power to appcint one of their number to preside, and a majority of the same shall constitute a quorum for the transaction of any business pertaining to their official duties. They shall have power to elect a Clerk from their own number, whose duties, except as hereinafter provided, shall be directed or appointed by the Town Council, and said officers shall hold their respective offices for the term of one year and until their successors are elected and qualified. Annual election for town officers—town council

Sec. 3. At the first election held under this Act, there shall be chosen *viva voce*, by the electors present, two Judges and a Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act, and at all subsequent elections, the Trustees, or any two of them, shall be Judges, and the Clerk of the Town Council, or in his absence, some person appointed by the Judges shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock, A. M., and closed at four o'clock, P. M. of the same day ; and at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true report thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of the said Town Council, at least ten days before each and every election, to give notice of the same by setting up advertisements at three of the most public places in said town and by one insertion of the same in any public newspaper Town elections how conducted

that may be published in said town. Each member of said Town Council, before entering upon the duties of his office, shall take and subscribe an oath or affirmation to support the constitution of the United States and of this State, and also an oath office.

Vacancies in town council—oath of office of marshal

SEC. 4. The Town Council shall have power to fill all vacancies which may occur in said board, from the voters in said town, who shall hold their appointment until the next annual election, and until their successors shall be elected and qualified. The said Town Council shall have power to make, ordain, and establish by-laws, ordinances, rules and regulations for the government of said town; and the same to alter, amend or repeal at pleasure; to provide in such by-laws for the appointment or election of a Treasurer, Town Marshal, and of all other subordinate officers which they may think necessary for the good government and well being of said town; to prescribe their duties and determine the period of their appointment, and the fees they shall be entitled to receive for their respective services when the same is not provided by law, and require of them to take an oath of office previous to entering upon the duties of their respective offices, and may require of them a bond with security, conditioned for the faithful performance of the duties of their respective offices. The Town Council shall also have power to fix for a violation of the by-laws and ordinances of the corporation, reasonable fines and penalties; *Provided*, That such by-laws and ordinances be not inconsistent with the constitution and laws of the State; *And provided also*, That no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted up at least ten days in three public places in said town, and the certificate of the Clerk entered upon the records of said Town Council, shall be deemed and taken as sufficient evidence of such publication.

Receipts and expenditures to be posted annually

SEC. 5. The Town Council shall, at the expiration of each and every year, cause to be made out and posted up, as aforesaid the receipts and expenditures of the preceding year.

Power of council over streets alleys &c

SEC. 6. The Town Council shall have power to regulate and improve the streets and alleys and determine the width of the sidewalks in said town, to regulate the public grounds, to erect a market house and regulate the markets, to remove all nuisances and obstruction from the streets and commons of said town; to prevent any riots, noise, disturbances, disorderly assemblages; suppress and restrain disorderly houses and houses of ill-fame; and to authorize the destruction of all instruments used for the purpose of gaming, and to do all other things which similar corporations have power to do in order to provide for and secure health, cleanliness, and good order in said town.

SEC. 7. The Town Council is hereby authorized and empowered to assess a tax for corporation purposes, within the

limits of said corporation, made taxable by the laws of this State, so that said tax shall not exceed in any year five mills on the dollar of valuation, as the same may be found on the books of the County Supervisors of the counties in which said town may be situated. Corporation tax, limit of

Sec 8. When any tax is levied it shall be the duty of the Clerk to make out a duplicate of the taxes, charging each individual owning property in said corporation, with the amount assessed on each item of property as found on the books of the County Supervisors of said county, which duplicate shall be certified by the President and Clerk, and one copy thereof placed in the hands of the Marshal or such other person as shall be appointed to collect said tax, in the same manner and under the same regulations as the county taxes are collected, and the said Marshal or such other person as may be appointed collector, shall immediately after collecting said tax, pay the same over to the Treasurer of said corporation and take his receipt therefor, and the said Marshal or other collector shall have the same power to sell both real and personal property for the non-payment of corporation taxes as is given to the County Collector, and make the necessary conveyance in the same manner as is provided by law for the conveyance of property sold for the payment of county taxes; and the Marshal or other collector shall receive for his fees such sum as the Town Council may direct, nor exceeding six per centum on all moneys by him so collected and paid over as required by law. Collection of taxes how made

Sec. 9. The Justice of the Peace elected under the provisions of this Act, shall have and possess the same authorities and jurisdiction within the limits of said town as is or may be conferred by law upon Justices of the Peace in the several counties. Such Justice of the Peace shall keep a docket, a fair and true record of his proceedings, judgments and executions in all cases which may come before him, and shall be entitled to the same fees as are allowed to Justices of the Peace for similar services. Duties of the city justice

Sec. 10. Said corporation shall be allowed the use of the jail of the counties for the imprisonment of such officers as may be liable to imprisonment under the by-laws and ordinances of said corporation, and such person or persons shall be under the charge of the Sheriff of said county, as in other cases. Corporation to have use of county jail

Sec. 11. The officers of said corporation shall, on demand, deliver to their successors in office, all such books and other property as appertain in anywise to said corporation. Delivery of books &c to successors

Sec. 12. The Marshal or any other officer authorized to execute writs or other process, issued by the Justice of the Peace, shall have power to execute the same within the limits of the counties in which said town may be located, and shall be entitled to the same traveling fees as are allowed to constables in similar cases. Powers of the town marshal

Prohibition against borrowing money

SEC. 13. Said town shall have no power to borrow money, nor be liable to pay money borrowed on its account, nor for advances in its behalf by its officers or any other persons; nor shall said town incur any debt or liability for any purpose whatever, which is not fully covered and provided for by the tax authorized in Section eight of this Act.

SEC. 14. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the fifth one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 5, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXXIX.

An Act to Incorporate the Town of Rockville.

SECTION 1. Boundaries of the Town.
2. Annual election for Town officers.
3. Manner of conducting Town elections.
4. Oath of office to be taken by members of Town Council.
5. Corporate powers vested in Town officers.
6. Record of proceedings of Town Council.
7. Vacancies in Town Council, how filled.
8. General powers of Town Council.
9. Receipts and expenditures to be posted annually.
10. Powers of Council to regulate and improve streets, &c.
11. Corporation tax, limit of.
12. Collection of tax, how made.
13. Delivery of books to successors.
14. Town Council to pre empt town site.
15. Town to be surveyed and platted.
16. Town Council to deed lots to original claimants.
17. Special tax upon each lot to defray expenses.
18. Record of survey to be filed with Register of Deeds.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained within the south half and the north-east quarter of the south-west

quarter and the south-west quarter of the south-east quarter of section nine, the west half and the north-east quarter of the north-west quarter of section sixteen, and the north-east quarter of the north-east quarter of section seventeen, in township one hundred and seventy-three north, and range twenty-nine (29) west, be, and the same is hereby created a town corporate by the name of Rockville. Boundaries of the town

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, having the qualifications of electors of the Legislative assembly of the State of Minnesota, to meet at the place of holding the last general election in the precinct of Rockville on the first Tuesday of April next, and at the same time annually thereafter, at such place in said town as the Town Council may direct, and then and there proceed by ballot to elect one President, one Recorder, and three Trustees, being householders of said town, and having the qualifications of electors as aforesaid, who shall hold their offices one year, and until their successors shall be elected and qualified, and such President, Recorder and Trustees, being so elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining te their duties. Annual election for town officers

SEC. 3. At the first election to be holden under this Act, there shall be chosen *viva voce* by the electors present, at the time for opening the polls on the day for holding said first election, two Judges and a Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act, and at all subsequent elections, the Trustees or any two of them shall be Judges, and the Recorder, or in his absence some person to be appointed by the Judges, shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock in the fornoon, and close at four in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of the said Town Council, at least ten days before each and every election, to give notice of the same, by setting up advertisements at three of the most public places in said town. Manner of conducting town elections

SEC. 4. Each member of said Town Council before entering on the duties of his office, shall take an oath or affirmation to support the Constitution of the United States, and also an oath of office. Oath of office to be taken by members of town council

SEC. 5. The President, Recorder and Trustees of said town, shall be and are hereby created a body corporate and politic, with perpetual succession, to be known and destinguished by the name and style of "The Town of Rockville," and shall be capable in law by their corporate name

Corporate powers vested in town officers

aforesaid, to acquire property, real, personal and mixed for the use of said town, and may sell and convey the same at pleasure. They may have a common seal, which they may break, alter or renew at pleasure; they may sue and be sued, plead and be impleaded defend and be defended, in all manner of actions in all Courts of law or equity; and when any suit shall be commenced against said corporation, the first process shall be served by an attested copy thereof, left with the Recorder, or at his usual place of residence, at least six days previous to the return day of such process.

Record of proceedings of town council

SEC. 6. The President, and in his absence, the Recorder shall preside at all meetings of the Town Council, and the Recorder shall attend all meetings of the Town Council, and make a fair and a accurate record of all their proceedings, and of the by-laws, rules and ordinances made or passed by the Common Council aforesaid, and the same shall at all times be open for inspection of the electors of said town; but in case of the absence or inability of the Recorder, the Trustees may appoint one of their body Clerk *pro tempore*.

Vacancies in town council how filled

SEC. 7. The Town Council shall have power to fill all vacancies which may happen in said board, from the householders who are qualified voters of said town, who shall hold their appointments until the next annual elections, and until successors shall be elected and qualified; and in the absence of the President and Recorder from any meeting of the Town Council, the Trustrees shall have power to appoint any two of their number to perform the duties President and Recorder for the time being.

General powers of town council

SEC. 8. The said Town Council shall have power to make, ordain and establish by-laws, rules, ordinances and regulations for the government of said town; and the same to alter, amend or repeal at pleasure, to provide in such by-laws for the appointment or election of a Treasurer, Town Marshal and all the subordinate officers, which they may think necessary for the good government and well being of said town, to prescribe their duties, and determine the period of their appointment, and the fees they shall be entitled to receive for their respective services, whom the same is not otherwise provided for by this Act, and to require of them to take an oath of office previous to entering on the duties of their respective offices, and may further reqnire of them a bond with security, conditioned for the faithful discharge or performance of their respective offices. The Town Council shall also have power to fix to the violation of the by-laws and ordinance of the corporation, reasonable fines and penalties; *Provided*, That such by-laws and ordinances be not inconsistent with the Constitution and Laws of the United States or of this State; *And provided also*, That no by-laws or ordinances of said corporation shall take effect or be in force, until the same shall have been posted up at least ten days in one of the most puclic place within said town, and the certificate

of the Recorder, entered upon the record of said Town Council, shall be deemed and taken to be sufficient evidence of such publication.

Receipts and expenditures to be posted annually

SEC. 9. The Town Council shall, at the expiration of each and every year, cause to be made out and posted up as aforesaid, the receipts and expenditures of the preceding year.

Powers of council to regulate and improve streets, &c

SEC. 10. The Town Council shall have power to regulate and improve the streets and alleys, to regulate the public grounds, to construct and maintain mills, and dams across Mill Creek within said town, provided that no public rights are infringed, or that the rights of no persons be infringed outside of the present limits of said town, according to a plat of said town, as now stands recorded in the office of Register of Deeds for Stearns County, and to do all things which similar corporations have power to do for the good of said town.

Corporation tax—limit of

SEC. 11. For the purpose of more effectually enabling the said Town Council to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes, within the limits of said corporation, made taxable by the laws of this State, so that said tax shall not exceed, in any one year, five mills on the dollar of valuation, as the same may be found on the books of the County Commissioners of the county within which said town may be located at the time of assessing said tax.

Collection of tax how made

SEC. 12. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes, charging each individual owning property in said corporation with the amount assessed on each item of property, as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Recorder, and one copy thereof shall be placed in the hands of the Marshal, or such other person as shall be appointed Collector, whose duty it shall be to collect said tax, in the same manner, under the same regulations as other county taxes are collected; and the said Marshal, or such other person as may be appointed Collector, shall, immediately after collecting said tax, pay the same over to the Treasurer of said corporation, and take his receipt therefor, and the said Marshal, or other Collector, shall have the same power to sell, both real and personal property, for the non-payment of the corporation taxes, as is given to the County Collector; and when necessary, the Recorder shall have power to make deeds in the same manner that Sheriffs do, and the Marshal, or other Collector, shall receive for his fees such sum as the Town Council may direct, not exceeding six per centum on all moneys so by him collected, to be paid by the Treasurer on the order of the Recorder.

Delivery of books to successors

SEC. 13. The President, Recorder, or other officer of said corporation, shall on demand deliver to their successors in office all such books and other property as appertain in anywise to said corporation.

Town council to pre empt town site

SEC. 14. It shall be the duty of the Town Council of said town to apply for a pre-emption to the said south half, and the north-east quarter of the south-west quarter, and the south-west quarter of the south-east quarter of Section Nine; the west half and the north-east quarter of the north-west quarter of Section Sixteen; and the north-east quarter of the north-east quarter of Section Seventeen, in Township One Hundred and Twenty-three, north of Range Twenty-nine west, under the provisions of the Act of Congress entitled "An Act for the Relief of Citizens of Towns upon the Land United States, under certain circumstances, approved May 23, 1844."

Town to be surveyed and platted

SEC. 15. It shall be the duty of said Town Council, as soon as practicable after the application shall have been made for a pre-emption as aforesaid, to cause land within the corporate limits of said town to be surveyed and laid out into squares and lots, and streets and alleys, in addition to that which has been already so surveyed and laid out, in such manner as said Town Council may deem proper, and to authorize such improvements to be made in said streets or alleys, or any of them, as said Council may deem necessary.

Town council to deed lots to original claimants

SEC. 16. It shall be the duty of said Town Council, as soon as the title to said lands shall be obtained, under the provisions of said Act of Congress aforesaid, to ascertain the number of persons entitled to lots or squares within the said town, who may have a valid right, either by an original claim or by transfer from any person or persons having made an original claim to said lands, and to deed, under the hand of the President and attested by the Recorder, and sealed with the seal of said corporation, to every such person entitled as aforesaid, the lots or squares of land to which every such person may be entitled as aforesaid. *Provided*, That no street or alley shall be so deeded; and *provided* also, that any person or persons to whom lots or squares shall be deeded as aforesaid, shall previously have paid to the Treasurer or Recorder of said town, at the rate of two dollars per acre for all lots or squares so deeded.

Special tax upon each lot to defray expenses

SEC. 17. The Town Council of said town are authorized to assess a tax not exceeding one dollar on each lot in said town, to defray any necessary expenses which the said Council ordain to be made, and said tax shall be collected by the Treasurer or Recorder, as the said Council shall direct, the said assessment to be made immediately after the passage of this Act; and all lots on which said tax shall not be paid within three months from the date of said assessment, shall be deemed to be the property of the said town, and shall not be deeded by said Council until the said tax, with interest at the rate of twenty per cent. per annum from date of assessment, shall have been paid. *Provided*, That after the expiration of two years, the said Council may order such lot or lots to be sold to the highest bidder, and in no case shall such lot or lots [thereafter] be subject to redemption.

SEC. 18. It shall be the duty of the Town Council to cause a plat of such surveys as may be made to be recorded in the office of Register of Deeds of the county wherein said town shall be located, in conformity to the provisions of the Statute authorizing the record of town plats in this State. Record of survey to be filed with register of deeds

SEC. 19. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXXX.

An Act to amend an Act, entitled "An Act granting to James M. Goodhue and Isaac N. Goodhue the right to establish and maintain a Ferry across the Mississippi River.

SECTION 1. Amendment to previous charter, relating to a change in ownership of Ferry right.
2. Steam Ferry boat, well managed, to be kept for the purposes contemplated.
3. Rates of Ferriage.
4. Prohibition against establishment of other within half a mile.
5. Privilege to construct docks or wharves.
6. Penalty for neglect to keep Ferry in running order.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section one be amended so as to read, "That C. S. Cave and D. W. C. Dunwell, their heirs, executors, administrators and assigns shall have the exclusive right and privilege for the period of fifteen years, of keep-

Amendment to previous charter relating to a change in ownership of ferry right

ing and maintaining a Ferry across the Mississippi River from the foot of Wacouta street, in the City of St. Paul, Ramsey county, to the foot of D. street, in the town of West St. Paul, Dakota county, and the said ferry shall be known as the East and West St. Paul Steam Ferry Company.

Steam ferry boat, well managed, to be kept for the purposes contemplated

SEC. 2. The said C. S. Cave and D. W. C. Dunwell, their heirs or assigns shall keep, support and maintain for the accommodation of said ferry during the term aforesaid, a good and sufficient ferry boat or boats to be propelled by steam power properly managed, in good repair and condition, sufficient for the accommodation of all persons wishing to cross said ferry, and shall give prompt and ready attendance on passengers and teams, on all occasions, and at all hours, both at night and day; but persons wishing to cross said ferry after eight o'clock at night, may be charged double the fare as hereinafter prescribed.

Rates of ferriage

SEC. 3. The rates charged for crossing the above ferry shall not exceed the following:

For each foot passenger,	- - -	10 cents.
" Horse, mare or mule, with or without rider,	- - - -	15 "
" Two-horse or two-ox team, loaded or unloaded, with drivers,	- -	25 "
" Single horse carriage,	- -	25 "
" Additional ox or cow,	- -	10 "
" Swine or sheep,	- - -	3 "

All freight, lumber, merchandise or other articles not in teams, at the rate of five cents per barrel, fifty cents per thousand feet of lumber, and five cents per hundred weight of all other articles.

Prohibition against establishment of other within half a mile

SEC. 4. If any person or persons shall, at any time or times, after said ferry shall have been established, keep or maintain a ferry or shall carry or transport any person or persons, carriages, goods, wares, merchandise or other things for pay, hire or otherwise across said river, within one half mile below or above said ferry, every such person or persons shall forfeit and pay to the said ferry company, for every such offence, the sum of ten dollars, to be recovered in an action of debt, with costs of suit in any Court having cognizance thereof; *Provided always*, That nothing herein contained shall be so construed as to preclude any person or persons from crossing or transporting his or their families, goods and chattels in his or their own boat within the limits aforesaid, free from all fees or charges whatever.

Privilege to construct docks or wharves

SEC. 5. The said ferry company shall have the privileges to erect, construct, and maintain docks or wharves in the river at the foot of Wacouta street, in the City of St. Paul, and whenever such docks or wharves shall be erected, it shall be lawful for the said ferry company to hold the same to their own uses and purposes, and any steamboat or other craft that may obstruct the landing of said ferry boat, shall

forfeit and pay to the said company the sum of ten dollars, to be recovered in an action of debt in any Court having cognizance thereof.

Penalty for neglect to keep ferry in running order

SEC. 6. The said ferry company shall, for wilfully neglecting, or refusing at all proper seasons and times, to transport or to ferry any person or persons, his, her or their chattels across said river, or for detaining any such person or persons wilfully or unnecessarily in crossing said river, forfeit and pay the sum of ten dollars, to be recovered before any Justice of the Peace in either of the above mentioned counties.

SEC. 7. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March the twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXXXI.

An Act to Locate and Establish a State Road from St. Cloud to Breckenridge.

SECTION 1. Commissioners named to lay out road.
2. Duties of Commissioners.
3. Absence of Commissioners, others to be appointed.
4. Expenses to be paid by counties through which the road passes.
5. Per diem of Commissioners.
6. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners named to lay out road

SECTION 1. That John Ball, William Kinkead and J. H. Barrett, be and are hereby appointed Commissioners to lay out, mark and establish a State Road, commencing at St. Cloud, thence by the most direct and feasible route, in their judgment, to Breckenridge, on the Red River of the North.

SEC. 2. The Commissioners aforementioned shall meet at the Stearns House, in St. Cloud, on the first of May, or at such time as they may agree upon, and proceed to survey

Duties of commissioners

and establish said road according to Section First of this Act, and complete the same and file a plat of said road in the office of the Register of Deeds of the organized counties through which the road is located, within one year from the date of the passage of this Act The said plat, before being filed as aforesaid, shall be signed by at least two Commissioners, whose certificate shall be legal evidence of the establishment of said road.

Absence of commissioners others to be appointed

SEC. 3. If either of the aforementioned Commissioners shall be unable to perform the duties assigned him, it shall be the duty of the other Commissioners to appoint substitutes in their stead.

Expenses to be paid by counties through which the road passes

SEC. 4. The expenses incurred in the survey and location of said road, shall be paid by the counties through which the same may pass.

Per diem of commissioners

SEC. 5. Said Commissioners shall be entitled to receive each the sum of three dollars per day for their services, while actually employed in the location of said road.

SEC. 6. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXXXII.

An Act for the Relief of Caroline Rady.

SECTION 1. Will of Christian Louden legalized.
2. Provision to prevent sale of lands belonging to estate for debts.

Be it enacted by the Legislature of the State of Minnesota:

Will of Christian Louden legalized

SECTION 1. That the nuncupative Will of Christian Louden, late of Houston County, deceased, giving to Caroline Rady, of said county, all his lands, credits and effects, is hereby legalized. And an attested copy of said Will, recorded in the office of the Register of Deeds of Houston County,

shall be sufficient to vest in the said Caroline Rady, the title of all lands belonging to the said Christian Louden, at the time of his decease, subject to the debts of the said Christian Louden, and the expenses of administration.

Provision to prevent sale of lands belonging to estate for debts

SEC. 2. If the said Caroline Rady shall give bond to the Judge of Probate of Houston County, in such sum, and with such sureties, as he shall direct and approve, with condition to pay all the debts and the expenses of administration, within such time as the Judge of Probate shall direct, none of said lands shall be sold for the payment of debts or expenses, and such Judge of Probate shall make a decree giving to the said Caroline Rady the immediate possession and full control of the property, both real and personal, of the said deceased.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXXXIII.

An Act to Incorporate the Town of Fair Haven.

SECTION 1. Of the Town Boundaries.
2. Annual election for Town Officers.
3. Tenure of office for Town Officers—Town elections, how conducted.
4. Town officers to take oath of office.
5. Corporate powers vested in Town Officers.
6. Vacancies in Town Council.
7. General powers of Town Council.
8. Powers of Council to regulate and open streets, &c.
9. Corporation Tax, how assessed.
10. Collection of Tax, how made.
11. Receipts and expenditures to be posted annually—Delivery of Books to successors.
12. Town Council to deed lots to original claimants.
13. Record of survey to be filed with Register of Deeds.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That all the country in the counties of Wright

Boundaries of the town

and Stearns, in the State of Minnesota, contained within the north-west quarter of the north [east] quarter; and the north-west quarter, and the north half of the south-west quarter of section four (4), in township one hundred and twenty-one (121), north of range twenty-eight (28) west, shall be a town by the name of "Fair Haven," and the people now inhabiting, and those who shall hereafter inhabit within the district of country herein described, are hereby created a municipal corporation by the name of the "Town of Fair Haven," with perpetual succession, and they shall have the general powers possessed by municipal corporations at common law. They shall be capable of contracting and being contracted with, of suing and being sued, pleading and being impleaded in all Courts of law and equity. They shall possess the powers by their corporate name to acquire property real, personal and mixed, for the use of the same, and may sell and convey the same at pleasure.

Annual election for town officers

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, having the qualifications of electors of the Legislature of the State of Minnesota, to meet at the school-house in Fair Haven, on the first Wednesday of May next, and at the same time annually thereafter at such place in said town as the Town Council may direct, and then and there proceed by ballot to elect one President, one Recorder and three Trustees, being inhabitants of said town, and having the qualifications of electors as aforesaid, who shall hold their respective offices one year and until their successors shall be elected and qualified, and such President, Recorder and Trustees, being so elected and qualified shall constitute the Town Council of said town, and be known as the "Fair Haven Town Council," any three of whom shall constitute a quorum for the transaction of business pertaining to their duties.

Tenure of office of town officers —town elections how conducted

SEC. 3. At the first election to be holden under this Act, there shall be chosen *viva voce*, by the electors present at the time for opening the polls on the day for holding said first election, two Judges and a Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act, and at all subsequent elections the Trustees, or any two of them, and the Recorder, or in his absence, some person to be appointed by the Judges shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four o'clock in the afternoon of said day; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter, he shall give notice to the persons so elected of their election; and it shall be the duty of the Town Council, at least ten days before each and every election, to give notice of the same, by setting up advertisements at three of the most public places in said town.

Town officers to take oath of office

SEC. 4. Each member of said Town Council, before entering upon the duties of his office, shall take an oath or affirmation to support the Constitution of the United States, and of the State of Minnesota, and also an oath of office.

Corporate powers vested in town council

SEC. 5. The President, and in his absence the Recorder shall preside at all meetings of the Town Council; and the Recorder shall make a fair and accurate record of all the proceedings, and of the by-laws and ordinances made by the Town Council aforesaid, and the same shall be always open for inspection to the electors of said town; but in case of the absence or inability of the Recorder, the Trustees may appoint one their body Clerk *pro tempore*

Vacancies in town council how filled

SEC. 6. The Town Council shall have power to fill all vacancies which may happen in said board, from the householders who are qualified voters of said town, who shall hold their appointments until the next annual election, and until their successors shall be elected and qualified; and in the absence of the President and Recorder from any meeting of the Town Council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Recorder for the time being.

General powers of the town council

SEC. 7. The said Town Council shall have power to make, ordain and establish by-laws and ordinances for the government of said town, and the same to alter, repeal or amend at pleasure. The Town Council shall have power to fix to the violations of the by-laws and ordinances of the corporation, reasonable fines and penalties; *Provided*, That such by-laws and ordinances be not inconsistent with the Constitution and laws of the Udited States, or of the State of Minnesota. *And provided also*, That no by-law or ordinance of said corporation shall take effect or be in force until the same shall have been posted up at least ten days in one of the most public places in said town, and the certificate of the Recorder entered upon the record of said Town Council, shall be deemed and taken to be evidence of such publication.

Powers of council to regulate and open streets, alleys &c

SEC. 8. The said Town Council shall have power to regulate and improve the streets and alleys; to regulate the public grounds; to remove all nuisances and obstructions from the streets and commons of said town, and to do all things which similar corporations have power to do, in order to provide for and secure health, cleanliness and good order in said town.

Corporation tax how assessed

SEC. 9. For the purpose of more effectually enabling the said Town Council to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes upon the property within the limits of said corporation, made taxable by the laws of this State, so that said tax shall not exceed in any one year five mills on the dollar of valuation, as the same may be found on the books of the County Commissioners of the county or counties within which said town may be located at the time of assessing said tax.

Collection of tax how made

SEC. 10. When any tax is levied, it shall be the duty of the Recorder to make out a schedule of the taxes, charging each individual owning property in said corporation with the amount assessed on each item of property, as found on the books of the County Commissioners of the county within which the same is situated, which schedule shall be certified by the President and Recorder. And it shall be the duty of the Recorder to collect said tax. The President of the Town Council shall be the Treasurer of the corporation. And the President and Recorder may be required to give bonds with surety conditioned for the faithful performance of their respective offices. And the said Recorder shall immediately after collecting said tax, pay the same over to the Treasurer and take his receipt therefor, and the said Recorder shall have the same power to sell both real and personal property, for the non-payment of the corporation taxes, as is given to the county Collector; and when necessary, the Recorder shall have power to make deeds in the same manner that Sheriffs do; and the Recorder shall receive such fees for collecting as the Town Council may direct, not exceeding four per cent. on the amount collected, to be paid by the Treasurer on the order of the Recorder.

Receipts and expenditures to be posted annually—delivery of books to successors

SEC. 11. The Treasurer shall pay out all money in his hands belonging to the corporation as directed by the Common Council of the town. The Town Council shall at the expiration of each and every year, cause to be made out and posted up in at least three public places in said town, the receipts and expenditures of the preceding year, and the President and Recorder shall deliver to their successors in office all such books and other property as appertain in anywise to said corporation.

Town council to deed lots to original claimants

SEC. 12. It shall be the duty of said Town Council, as soon as the title of said lands shall be obtained from the government of the United States, to ascertain the number of persons entitled to lots or squares within the said town, who may have a valid right, either by an original claim, or by any transfer from any person or persons who had a valid right thereto, and to deed under the hand of the President, attested by the Recorder, and sealed with the seal of the said corporation, to every such person entitled as aforesaid, the lots or squares of land to which every such person may be entitled as aforesaid; *Provided*, That no street or alley shall be so deeded; *And Provided also*, That any person or persons to whom lots or squares shall be so deeded as aforesaid, shall previously pay to the said Treasurer at the rate of two and one-half dollars per acre for all lands so deeded.

Section 4, township 121, range 28, hereby vacated

SEC. 13. So much of the town of Fair Haven as is contained within the south-west quarter of the north-east quarter of section four (4), of township one hundred and twenty-one of range twenty-eight, according to a survey and plot of said town on record in the office of Register of Deeds in Stearns county, is hereby vacated and annulled.

SEC. 14. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March sixteenth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 16, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CXXXIV.

An Act authorizing the City Council of Winona to Borrow Money.

SECTION. 1. Authority to the City Council to borrow money, on a vote of the people.
2. Form of ballot to be voted.
3. Money received from loan to be paid into City Treasury.
4. Purposes for which the borrowed money shall be used.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the City Council of Winona, are hereby authorized to borrow on the credit of the city, a sum not exceeding ten thousand dollars, and at an interest not exceeding twelve per cent. per annum, for a term of not less than five nor more than ten years: *Provided*, That the city authorities shall call a special election as provided for by the city charter, and a majority of the legal voters shall vote in favor of borrowing said amount of money. Authority to borrow money on a vote of the people

SEC. 2. The election shall be held and conducted as other elections provided for by law, and the tickets used shall be in the following form: "In favor of the loan—Yes!" and "For the loan—No!" Form of ballot to be voted

SEC. 3. Whenever the City Council shall have negotiated

Money received from loan to be paid into city treasury

for, and shall have obtained said sum of money, the same shall be paid into the treasury of the city to be drawn therefrom by vote of said City Council.

Purposes for which the borrowed money shall be used

SEC. 4. The said money shall be used for the purpose of paying the indebtedness of the city, and for the purpose of building a school-house.

SEC. 5. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXXXV.

An Act to amend an Act entitled "An Act to provide for the location of a State Road from Chatfield in Fillmore county to Winnebago City in Faribault county," Approved March 8th, A. D. 1858.

SECTION 1. Amendment to Chap. 10. concerning the time of assembling of Road Commissioners.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to chap 10 concerning the time of assembling of road commissioners

SECTION 1. That Section Two of an Act entitled An Act to provide for the location of a State road from Chatfield in Fillmore county, to Winnebago City in Faribault county, and approved March 8th, A. D. 1858, be amended so as to read as follows: That said Commissioners shall meet at Chatfield on or before the first Monday in October, A. D. 1858, and proceed to discharge the duties imposed upon them by the provisions of this Act, *Provided, however*, That in the absence of any one of said Commissioners appointed by this Act, the others may have power to supply said vacancy, by appoint-

ing another Commissioner, or may in case a majority of them meet proceed to discharge their duties.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-sixth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXXXVI.

An Act to amend an Act entitled An Act to establish the County of Kanabec.

SECTION 1. Amendment to the Boundaries of Kanabec County.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section One of H. of R. No. 26, (Chapter 54, page 166,) an Act to establish the County of Kanabec, approved March 13, 1858, shall read as follows: that so much of the county of Pine and State of Minnesota, as lies within the following boundaries, be and the same is hereby established as the county of Kanabec: beginning at the south-east corner of township thirty-eight (38), range twenty-three (23) west; thence west to the south-west corner of township thirty-eight (38), range twenty-five (25) west, thence north to the north-west corner of township forty (40), range twenty-five (25) west; thence east to the south-west corner of township forty-one (41), range twenty-four (24) west; thence north to the north-west corner of township forty-two (42), range twenty-four (24) west; thence east to the north-east corner of township forty-two (42), range twenty-two (22) west; thence south to the south-east corner of township forty-one (41), range twenty-two (22) west; thence west to the

Amendment to the boundaries of Kanabec county

north-east corner of township forty (40), range twenty-three (23) west; thence south to the place of beginning. The county seat of said county is hereby located at Brunswick.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXXXVII.

An Act Locating a State Road.

SECTION 1. Location of a State Road from Blue Earth City to Wilton.
2. Per diem of Commissioners.

Be it enacted by the Legislature of the State of Minnesota:

Location of a state road from Blue Earth City to Wilton

SECTION 1. That George F. Batchelder, of Faribault, Rice county, James W. Clarke, of St. Mary, Waseca county, and Jarvis Herrington, of Blue Earth City, Faribault county, be and are hereby appointed viewers to locate and establish a State road from a point on the road running from Faribault, in Rice county, to Wilton in Waseca county, at or near the north-east corner of township 107, north of range 23 west, via St. Mary in Waseca county, on the most eligible route by way of Winnebago City, to Blue Earth City in Faribault county, and said viewers are hereby authorized to employ a competent surveyor, two chain-men, and one axe-man, at the expense of the counties through which said road runs.

Per diem of commissioners

SEC. 2. The per diem to be audited and amounts fixed by the respective Boards of Supervisors of said counties.

SEC. 3. This Act to take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXXXVIII.

An Act to locate a State Road.

SECTION 1. Appointment of Commissioners to lay out State Road from Wilton to Blue Earth City.
2. Expenses of laying out road, how paid.
3. Per diem of Commissioners.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That A. E. Smith, of Wilton, Waseca county, and James B. Hill, of Cobb River, and Jarvis Herrington, of Blue Earth City, Faribault county, are hereby appointed viewers to locate and establish a State Road from Wilton in Waseca county, on the most eligible route to Blue Earth City, in Faribault county; said viewers are hereby authorized to employ a competent surveyor, two chain men, and one axe-man.

Appointment of commissioners to lay out state road from Wilton to Blue Earth City

SEC. 2. The expense of laying out said road shall be paid by the counties through which said road passes.

Expenses of laying out road how paid

SEC. 3. The per diem of viewers, surveyors, chain-men and axe-man shall be audited, and the amount fixed by the Board of Supervisors of the respective counties.

Per diem of commissioners

SEC. 4. This Act to take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

one hundred and ten north, range sixteen west, in the County of Goodhue, be and the same is hereby created a town corporate by the name of Zumbrota.

Annual elections to be held

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof having the qualifications of electors to meet at the usual place of holding election in said town, on the third Monday in July next, and annually on the first Monday in April thereafter, at such places as the Town Council may direct, and then and there proceed by ballot to elect one President, one Recorder and three Trustees, being householders or owners of real estate, and residents of said town, and having the qualifications of electors as aforesaid, who shall hold their offices one year and until their successors are chosen and qualified; and such President, Recorder and Trustees, being so elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in said Town Council shall be vested the government of said town, and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns.

Elections how conducted

SEC. 3. At the first election to be holden under this Act, there shall be chosen *viva voce* by the electors present at the time for opening the polls, on the day of holding said first election two Judges and one Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act; and at all subsequent elections the Trustees or any two of them shall be Judges, and the Recorder, or in his absence some person appointed by the Judges, shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four o'clock in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statment thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of said Town Council, at least ten days before each and every election to give notice of the same, by putting up notices at three of the most public places in said town.

Officers to take oath of office

SEC. 4. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates, shall be declared elected by the said Judges of the Election, and the candidates so elected shall, before entering upon the performance of the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States, and also an oath of office which shall be taken before some Justice of the Peace or other person authorized to administer oaths, and filed with the Recorder.

SEC. 5. The President, Recorder and Trustees of said town shall be capable in law, by their corporate name afore-

CHAPTER CXL.

An Act in relation to the Towns of Nininger, Louisville, Glencoe and Young America.

SECTION 1. Towns authorized to make loans to build Nininger, St. Peter, and Western R. R.
2. To be made only upon a majority vote of the property holders
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the citizens of either of the following towns, viz: Nininger, in Dakota county, Louisville, in Scott county, Young America, in Carver county, and Glencoe, in McLeod county, be and the same are hereby empowered, at any public meeting called for that purpose, by a majority of those present, to authorize the Town Council of their respective towns, by such means as may be pointed out by the said meeting, either by the levying of a tax or otherwise, to assist in the building of the Nininger, St. Peter and Western Railroad, to such extent as the said meeting may direct.

Towns authorized to make loans to build Nininger, St Peter and Western R R

SEC. 2. The action of the said meeting shall not be valid unless those who compose it constitute a majority of the resident property-holders of said town, so holding said meeting, nor unless public notice of the meeting and the object thereof is given by posting up a written or printed notice thereof, in at least three of the most public places in said town, twenty days before the time of such meeting, and by publishing a copy thereof in the newspapers of said town or of the locality nearest thereto at least twice before said meeting.

To be made only upon a majority vote of the property holders

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXLI.

An Act to amend the Charter of the town of Brownsville.

SECTION 1. Amendment to the Town Boundaries.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to the town boundaries

SECTION 1. That Section 1, of Chapter 1, of said Charter be amended, so that it shall read as follows:

That so much territory as is contained in section twenty-five (25), twenty-six (26), and the south half of twenty four (24), town one hundred and three (103), range four, shall be and constitute the town of Brownsville.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June fifteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 15, 1858.

I hereby certify the forgegoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXLII.

An Act to authorize the Register of Deeds of Blue Earth County to copy from the Records of Ramsey County.

SECTION 1. Authority to Register of Blue Earth County to copy records from Ramsey County.
2. Fees of Register of Deeds.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall be lawful for the Register of Deeds of the county of Blue Earth, to copy from the records of

Ramsey county, all deeds, mortgages, and other evidences of titles now remaining of record in the county of Ramsey, in all cases where the lands are situated in the county of Blue Earth. Authority to Register of Deeds of Blue Earth county to copy records from Ramsey county

SEC. 2. That the aforesaid Register of Deeds, shall be entitled to the same fees for said services, as he is entitled to by law for making original records, to be paid out of the county treasury of Blue Earth county. Fees of Register of Deeds

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXLIII.

An Act to lay out and establish a State Road from Manomin in Manomin county, by way of Quaker Settlement to Cambridge in Isanti county.

SECTION 1. Commissioners appointed to locate a State Road from Manomin to Cambridge.
2. First meeting of Commissioners.
3. Per diem of Commissioners.
4. Expenses of laying out road, how paid.
5. Statement of expenses to be filed.
6. Commissioners to make out and file plat of Road.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That ——— Rogers, Owen Evans and Jeddediah Kimball, be and the same are hereby appointed Commissioners to locate and establish a State Road, commencing at Manomin in Manomin county, and running from thence by way of Quaker Settlement to Cambridge in Isanti county. Commissioners appointed to lay out a State Road from Manomin to Cambridge

SEC. 2. That said Commissioners shall meet at Manomin,

Powers of council enumerated

or having within said town, any putrid carcass or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Twelfth—To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burying of the dead, and the returns of the bills of mortality, and to exempt burying grounds set apart for public use from taxation.

Thirteenth—To prevent all persons from riding or driving any horse, mule, ox, cattle or other animal on the sidewalks in said town, or in way doing damage to such sidewalks.

Fourteenth—To restrain drunkards, immoderate drinking, obscenity in the streets or public places, and provide for arresting, removing and banishing any person or persons who may be guilty of the same, and to regulate, restrict or prevent the sale of intoxicating drinks in such town.

Fifteenth—To protect trees and monuments in the town.

Sixteenth—To regulate and provide for the improvement, cleansing and grading of the streets and alleys of said town, under such rules and regulations as they may adopt.

Seventeenth—To provide for conveying the water in pipes into any and all parts of said town, in any manner they may deem necessary for the convenience of the inhabitants thereof.

Tax how levied

SEC. 12. For the purpose of more effectually enabling the said Town Council to carry into effect the provisions of this Act, the town shall have power in its corporate capacity, by majority vote of all the electors present at a legal meeting, to levy a tax on all the property within the limits of said corporation, made taxable by the laws of this State, not exceeding one cent on the dollar of valuation, as the same may be found on the books of the County Commissioners of the county within which said town may be located at the time of assessing of said tax. The avails of such tax to be apportioned for such public purposes as the electors may determine by vote as aforesaid. And all meetings for the raising of money and the choice of officers, shall be called by posting a written or printed notice thereof, in at least three of the most public places in said town, or by publishing the same in the newspaper published in said town, at least ten days before the time of said meeting.

SEC. 13. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes, charging each individual owning property in said corporation with the amount assessed on each item of property, as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Re-

CHAPTER CXLIV.

An Act authorizing the Register of Deeds of Olmsted county, to copy from the Records of Mower County.

SECTION 1. Authority to Register of Deeds of Olmsted County to copy records from Mower County.
2. Fees for copying records.
3. Expenses to be paid by County of Olmsted.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Register of Deeds of the county of Olmsted, is hereby empowered and authorized to copy from the Register of Deeds office in the county of Mower, all warrantee or quit-claim deeds, mortgages, bonds, powers of attorney, bills of sale, or any instruments of agreement, which have been recorded in the county of Mower, or that belongs, pertains or relates to property, real or personal, which is within the limits of the county of Olmsted. Authority to Register of Deeds of Olmsted county to copy records from Mower county

SEC. 2. The Register of Deeds shall receive for such services the same fees as is allowed to clerks of election, on making election returns as traveling fees, and the same for copying the instruments named in Section 1, as is allowed under the law for recording the same. Fees for copying records

SEC. 3. The costs of such copying and traveling fees shall be paid out of the treasury of the county of Olmsted. The County Supervisors, first approving of the same, shall order it paid. Expenses to be paid by county of Olmstead

SEC. 4. This Act to take effect and be in force from and after its pasage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim.*

SECRETARY' OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXLVIII.

An Act to Incorporate the Town of Owatonna.

SECTION 1. Boundaries of the Town.
2. Annual Town Elections, held when.
3. Town elections, how conducted.
4. Elected officers to take oath of office.
5. Corporate powers of Town officers.
6. Record of proceedings of Town Council.
7. Duties of the President.
8. Vacancies in Town Council, how filled.
9. Powers of the Town Council.
10. Receipts and expenditures to be posted annually.
11. Powers of Town Council enumerated.
12. Corporation tax, how levied.
13. Taxes, manner of collecting.
14. Delivery of books to successors.
15. Per diem of Town officers.
16. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION. 1. That so much land as is contained within the south-east quarter of section nine, the north-east quarter of section nine, the southwest quarter of section ten, the north-west quarter of section ten, the north half of the north-west quarter of section fifteen, the north half of the northeast quarter of section sixteen, all in township one hundred and seven, range twenty, in Steele county, be and the same is hereby created into a town corporate by the name of Owatonna.

Annual elections when held

SEC. 2. That for the good order and improvement of said town, it shall be lawful for the male inhabitants thereof having the qualifications of electors, to meet at the usual place of holding elections in said town on the first Monday of September next, at such time and place annually thereafter as the Town Council may direct, and then and there proceed, by ballot, to elect one President, one Recorder, and three Trustees, being householders or owners of real estate, and residents of said town, and having the qualifications of electors, as aforesaid, who shall hold their offices one year, and until their successors are chosen and qualified; and such President, Recorder and Trustees, being so elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in said Town Council shall be vested the government of said town, and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns.

SEC. 3. At the first election to be holden under this Act, there shall be chosen *viva voce*, by the electors present at the time for opening the polls, on the day of holding said first election, two Judges and one Clerk of said election, who

shall take an oath or affirmation faithfully to discharge the duties required of them by this Act; and at all subsequent elections, the Trustees, or any two of them, shall be judges, and the Recorder, or in his absence, some person to be appointed by the Judges, shall be clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four in the afternoon of said day. And at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter, he shall give notice to the persons so elected, of their election; and it shall be the duty of the said Town Council, at least ten days before each and every election, to give notice of the same by setting up advertisements at three of the most public places in said town, at least twice before such election. Elections how conducted

Sec. 4. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates shall be declared elected by the said Judges of the election, and the candidates so elected shall, before entering upon the performance of the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States, and also an oath of office which shall be taken before some Justice of the Peace or other person authorized to administer oaths and filed with the Recorder. Officers to take oath of office

Sec. 5. The President, Recorder and Trustees of said town shall be capable in law, by their corporate name aforesaid, to acquire property, real, personal and mixed, and may sell and convey the same, subject in all cases to the direction of the electors within the limits of said corporation, by a major vote thereof, at any legal meeting; they may have a common seal, which they may break, alter or renew at pleasure; and when any suit shall be commenced against said corporation, the first process shall be served by an attested copy thereof left with the Recorder, or at his usual place of residence, at least six days previous to the return day of such process; and this corporation shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to municipal corporations. Corporate powers of town officers

Sec. 6. The President, and in his absence the Recorder, shall preside at all meetings of the Town Council, and the Recorder shall attend all meetings of the Town Council and make a fair and accurate record of all their proceedings and of all the by-laws, rules and ordinances made or passed by the Common Council aforesaid, and the same shall at all times be open for the inspection of the electors of said town; but in case of the absence or inability of the Recorder to act, the Trustees may appoint one of their number Clerk *pro tempore*. Record of proceedings of town council

Sec. 7. The President shall also keep the seal of said

one hundred and ten north, range sixteen west, in the County of Goodhue, be and the same is hereby created a town corporate by the name of Zumbrota.

Annual elections to be held

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof having the qualifications of electors to meet at the usual place of holding election in said town, on the third Monday in July next, and annually on the first Monday in April thereafter, at such places as the Town Council may direct, and then and there proceed by ballot to elect one President, one Recorder and three Trustees, being householders or owners of real estate, and residents of said town, and having the qualifications of electors as aforesaid, who shall hold their offices one year and until their successors are chosen and qualified; and such President, Recorder and Trustees, being so elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in said Town Council shall be vested the government of said town, and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns.

Elections how conducted

SEC. 3. At the first election to be holden under this Act, there shall be chosen *viva voce* by the electors present at the time for opening the polls, on the day of holding said first election two Judges and one Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act; and at all subsequent elections the Trustees or any two of them shall be Judges, and the Recorder, or in his absence some person appointed by the Judges, shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four o'clock in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statment thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of said Town Council, at least ten days before each and every election to give notice of the same, by putting up notices at three of the most public places in said town.

Officers to take oath of office

SEC. 4. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates, shall be declared elected by the said Judges of the Election, and the candidates so elected shall, before entering upon the performance of the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States, and also an oath of office which shall be taken before some Justice of the Peace or other person authorized to administer oaths, and filed with the Recorder.

SEC. 5. The President, Recorder and Trustees of said town shall be capable in law, by their corporate name afore-

St. Cloud and St. Joseph, as surveyed and located in the month of May, A. D. 1858, is hereby vacated, and the county road from St. Cloud to St. Joseph, in Stearns county, as surveyed and located in the year A. D. 1855, is declared to be a portion of the said State road from St. Cloud to Breckenridge. Vacation of a portion of a State Road from St Cloud to Breckenridge

SEC. 2. This Act to take effect, and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August, 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXLVII.

An Act to incorporate the Town of Zumbrota.

SECTION 1. Boundaries of the Town.
2. Town elections when to be held.
3. Manner of conducting the election.
4. Elected officers to take oath of office.
5. Powers of the Town Officers.
6. Record of Council proceedings.
7. Duties of the President.
8. Vacancies, how filled.
9. Powers of the Town Council.
10. Receipts and expenditures to be posted annually.
11. Powers of Town Council enumerated.
12. Corporation tax, power to levy.
13. Collection of taxes, how made.
14. Delivery of books to successors.
15. Per diem of Town officers.
16. Act to take effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained within the west half of sections number thirty and thirty-one of township one hundred and ten north, range fifteen west, and the east half of sections twenty-five and thirty-six of township Boundaries

one hundred and ten north, range sixteen west, in the County of Goodhue, be and the same is hereby created a town corporate by the name of Zumbrota.

Annual elections to be held

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof having the qualifications of electors to meet at the usual place of holding election in said town, on the third Monday in July next, and annually on the first Monday in April thereafter, at such places as the Town Council may direct, and then and there proceed by ballot to elect one President, one Recorder and three Trustees, being householders or owners of real estate, and residents of said town, and having the qualifications of electors as aforesaid, who shall hold their offices one year and until their successors are chosen and qualified; and such President, Recorder and Trustees, being so elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in said Town Council shall be vested the government of said town, and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns.

Elections how conducted

SEC. 3. At the first election to be holden under this Act, there shall be chosen *viva voce* by the electors present at the time for opening the polls, on the day of holding said first election two Judges and one Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act; and at all subsequent elections the Trustees or any two of them shall be Judges, and the Recorder, or in his absence some person appointed by the Judges, shall be Clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four o'clock in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statment thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of said Town Council, at least ten days before each and every election to give notice of the same, by putting up notices at three of the most public places in said town.

Officers to take oath of office

SEC. 4. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates, shall be declared elected by the said Judges of the Election, and the candidates so elected shall, before entering upon the performance of the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States, and also an oath of office which shall be taken before some Justice of the Peace or other person authorized to administer oaths, and filed with the Recorder.

SEC. 5. The President, Recorder and Trustees of said town shall be capable in law, by their corporate name afore-

them is in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove pipes; to prevent fires and the use of fire-works and fire-arms within the limits of said town, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishing of fires, and to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the Common Council, or a majority of them who may be at the fire, for the purpose of preventing its communication to other buildings, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper. Powers of council enumerated

Second—To prevent, abate and remove nuisances and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, butcher shop, or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the town.

Third—To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common law.

Fourth—To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said town.

Fifth—To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, shows and exhibitions.

Sixth—To direct the location and management of all slaughter-houses and markets.

Seventh—To prevent the encumbering the streets, sidewalks, alleys, or the public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire-wood, or other materials or substance whatever.

Eighth—To prevent horse-racing, immoderate driving, or riding in the streets within the limits of the town.

Ninth—To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal found so going at large in violation of the by-laws of the town.

Tenth—To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax upon the same.

Eleventh—To prevent any person from bringing, depositing

their appointment, and the fees they shall be entitled to receive for their respective services, when the same is not otherwise provided for by this Act, and to require of them to take an oath of office previous to entering upon the duties of their respective offices, and shall require of them a bond with security, conditioned for the faithful performance of the duties of their respective offices. The Town Council shall also have power to fix to the violation of the by-laws and ordinance of the corporation, reasonable fines and penalties; *Provided*, That no by-laws or ordinances of said corporation, shall take effect or be in force until the same shall have been posted up in one of the most public places in said town, at least ten days, or published in some newspaper in said town, and the certificate of the Recorder entered upon the Record of said Town Council, shall be deemed and taken to be sufficient evidence of such publication.

Powers of council

Receipts and expenditures posted annually

SEC. 10. The Town Council shall, at the expiration of each and every year, cause to be made out and posted up as aforesaid, or published in some newspaper in said town, the receipts and expenditures of the preceding year.

Powers of council enumerated

SEC. 11. The Town Council shall have power to enact, establish, publish, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the town, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules or by-laws are hereby declared to be and to have the force of law; *Provided*, That they be not repugnant to the Constitution and Laws of the United States, and of this State; and for those purposes shall have authority, by ordinance or by-laws, to organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercises; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire-buckets, which are hereby declared to be the appurtenances to real estate, and to exempt from seizure, distress, or sale in any manner, and if the owner shall refuse to procure suitable ladders and fire-buckets after a reasonable notice, the Common Council may procure and deliver the same to him; and in default of payment therefor, may recover of the said owner the value of such ladders or fire-buckets, or both, with costs of suit; to regulate the storage of gun-powder and other dangerous material; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures, and buildings of every description, in order to discover if any of

them is in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove pipes; to prevent fires and the use of fire-works and fire-arms within the limits of said town, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishing of fires, and to pull, break down and raze such buildings in the vicinity of the fire as shall be directed by the Common Council, or a majority of them who may be at the fire, for the purpose of preventing its communication to other buildings, and generally to establish other measures of prudence for the prevention or extinguishment of fires as they may deem proper. Powers of council enumerated

Second—To prevent, abate and remove nuisances and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, butcher shop, or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the town.

Third—To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common law.

Fourth—To restrain and prohibit all descriptions of gaming and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said town.

Fifth—To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, shows and exhibitions.

Sixth—To direct the location and management of all slaughter-houses and markets.

Seventh—To prevent the encumbering the streets, sidewalks, alleys, or the public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire-wood, or other materials or substance whatever.

Eighth—To prevent horse-racing, immoderate driving, or riding in the streets within the limits of the town.

Ninth—To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal found so going at large in violation of the by-laws of the town.

Tenth—To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax upon the same.

Eleventh—To prevent any person from bringing, depositing

CHAPTER CXLVIII.

An Act to Incorporate the Town of Owatonna.

SECTION 1. Boundaries of the Town.
2. Annual Town Elections, held when.
3. Town elections, how conducted.
4. Elected officers to take oath of office.
5. Corporate powers of Town officers.
6. Record of proceedings of Town Council.
7. Duties of the President.
8. Vacancies in Town Council, how filled.
9. Powers of the Town Council.
10. Receipts and expenditures to be posted annually.
11. Powers of Town Council enumerated.
12. Corporation tax, how levied.
13. Taxes, manner of collecting.
14. Delivery of books to successors.
15. Per diem of Town officers.
16. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION. 1. That so much land as is contained within the south-east quarter of section nine, the north-east quarter of section nine, the southwest quarter of section ten, the north-west quarter of section ten, the north half of the north-west quarter of section fifteen, the north half of the northeast quarter of section sixteen, all in township one hundred and seven, range twenty, in Steele county, be and the same is hereby created into a town corporate by the name of Owatonna.

Annual elections when held

SEC. 2. That for the good order and improvement of said town, it shall be lawful for the male inhabitants thereof having the qualifications of electors, to meet at the usual place of holding elections in said town on the first Monday of September next, at such time and place annually thereafter as the Town Council may direct, and then and there proceed, by ballot, to elect one President, one Recorder, and three Trustees, being householders or owners of real estate, and residents of said town, and having the qualifications of electors, as aforesaid, who shall hold their offices one year, and until their successors are chosen and qualified; and such President, Recorder and Trustees, being so elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in said Town Council shall be vested the government of said town, and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns.

SEC. 3. At the first election to be holden under this Act, there shall be chosen *viva voce*, by the electors present at the time for opening the polls, on the day of holding said first election, two Judges and one Clerk of said election, who

shall take an oath or affirmation faithfully to discharge the duties required of them by this Act; and at all subsequent elections, the Trustees, or any two of them, shall be judges, and the Recorder, or in his absence, some person to be appointed by the Judges, shall be clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four in the afternoon of said day. And at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter, he shall give notice to the persons so elected, of their election; and it shall be the duty of the said Town Council, at least ten days before each and every election, to give notice of the same by setting up advertisements at three of the most public places in said town, at least twice before such election. Elections how conducted

Sec. 4. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates shall be declared elected by the said Judges of the election, and the candidates so elected shall, before entering upon the performance of the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States, and also an oath of office which shall be taken before some Justice of the Peace or other person authorized to administer oaths and filed with the Recorder. Officers to take oath of office

Sec. 5. The President, Recorder and Trustees of said town shall be capable in law, by their corporate name aforesaid, to acquire property, real, personal and mixed, and may sell and convey the same, subject in all cases to the direction of the electors within the limits of said corporation, by a major vote thereof, at any legal meeting; they may have a common seal, which they may break, alter or renew at pleasure; and when any suit shall be commenced against said corporation, the first process shall be served by an attested copy thereof left with the Recorder, or at his usual place of residence, at least six days previous to the return day of such process; and this corporation shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to municipal corporations. Corporate powers of town officers

Sec. 6. The President, and in his absence the Recorder, shall preside at all meetings of the Town Council, and the Recorder shall attend all meetings of the Town Council and make a fair and accurate record of all their proceedings and of all the by-laws, rules and ordinances made or passed by the Common Council aforesaid, and the same shall at all times be open for the inspection of the electors of said town; but in case of the absence or inability of the Recorder to act, the Trustees may appoint one of their number Clerk *pro tempore*. Record of proceedings of town council

Sec. 7. The President shall also keep the seal of said

CHAPTER CXLVIII.

An Act to Incorporate the Town of Owatonna.

SECTION 1. Boundaries of the Town.
2. Annual Town Elections, held when.
3. Town elections, how conducted.
4. Elected officers to take oath of office.
5. Corporate powers of Town officers.
6. Record of proceedings of Town Council.
7. Duties of the President.
8. Vacancies in Town Council, how filled.
9. Powers of the Town Council.
10. Receipts and expenditures to be posted annually.
11. Powers of Town Council enumerated.
12. Corporation tax, how levied.
13. Taxes, manner of collecting.
14. Delivery of books to successors.
15. Per diem of Town officers.
16. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION. 1. That so much land as is contained within the south-east quarter of section nine, the north-east quarter of section nine, the southwest quarter of section ten, the north-west quarter of section ten, the north half of the north-west quarter of section fifteen, the north half of the northeast quarter of section sixteen, all in township one hundred and seven, range twenty, in Steele county, be and the same is hereby created into a town corporate by the name of Owatonna.

Annual elections when held

SEC. 2. That for the good order and improvement of said town, it shall be lawful for the male inhabitants thereof having the qualifications of electors, to meet at the usual place of holding elections in said town on the first Monday of September next, at such time and place annually thereafter as the Town Council may direct, and then and there proceed, by ballot, to elect one President, one Recorder, and three Trustees, being householders or owners of real estate, and residents of said town, and having the qualifications of electors, as aforesaid, who shall hold their offices one year, and until their successors are chosen and qualified; and such President, Recorder and Trustees, being so elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties; and in said Town Council shall be vested the government of said town, and the exercise of its corporate powers, and the management of its fiscal, prudential and municipal concerns.

SEC. 3. At the first election to be holden under this Act, there shall be chosen *viva voce*, by the electors present at the time for opening the polls, on the day of holding said first election, two Judges and one Clerk of said election, who

shall take an oath or affirmation faithfully to discharge the duties required of them by this Act; and at all subsequent elections, the Trustees, or any two of them, shall be judges, and the Recorder, or in his absence, some person to be appointed by the Judges, shall be clerk. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four in the afternoon of said day. And at the close of the polls the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter, he shall give notice to the persons so elected, of their election; and it shall be the duty of the said Town Council, at least ten days before each and every election, to give notice of the same by setting up advertisements at three of the most public places in said town, at least twice before such election. Elections how conducted

Sec. 4. The candidates receiving the highest number of votes for the offices for which they shall respectively be candidates shall be declared elected by the said Judges of the election, and the candidates so elected shall, before entering upon the performance of the duties of their respective offices, each take an oath or affirmation to support the Constitution of the United States, and also an oath of office which shall be taken before some Justice of the Peace or other person authorized to administer oaths and filed with the Recorder. Officers to take oath of office

Sec. 5. The President, Recorder and Trustees of said town shall be capable in law, by their corporate name aforesaid, to acquire property, real, personal and mixed, and may sell and convey the same, subject in all cases to the direction of the electors within the limits of said corporation, by a major vote thereof, at any legal meeting; they may have a common seal, which they may break, alter or renew at pleasure; and when any suit shall be commenced against said corporation, the first process shall be served by an attested copy thereof left with the Recorder, or at his usual place of residence, at least six days previous to the return day of such process; and this corporation shall be competent to have and exercise all the rights and privileges, and be subject to all the duties and obligations appertaining to municipal corporations. Corporate powers of town officers

Sec. 6. The President, and in his absence the Recorder, shall preside at all meetings of the Town Council, and the Recorder shall attend all meetings of the Town Council and make a fair and accurate record of all their proceedings and of all the by-laws, rules and ordinances made or passed by the Common Council aforesaid, and the same shall at all times be open for the inspection of the electors of said town; but in case of the absence or inability of the Recorder to act, the Trustees may appoint one of their number Clerk *pro tempore*. Record of proceedings of town council

Sec. 7. The President shall also keep the seal of said

Duties of the President

corporation, sign all commissions, licenses, and permits which may be granted by the Common Council; he shall maintain peace and good order, and see that the ordinances of the town are observed and executed; and for the purposes aforesaid he is truly created a Justice of the Peace for the county of Steele.

Vacancies how filled

SEC. 8. The Town Council shall have power to fill all vacancies which may happen in said Board, from the qualified voters of said town, who shall hold their appointments until the next annual election and until their successors shall be elected and qualified; and in the absence of the President and Recorder from any meeting of the Town Council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Recorder for the time being.

Powers of the town council

SEC. 9. The Town Council shall have the power to provide for the appointment or election of a Treasurer, Town Marshal, and all subordinate officers which they may think necessary for the good government and well being of said town, to prescribe their duties and determine the period of their appointments, and the fees they shall be entitled to receive for their respective services, when the same is not otherwise provided for by this Act, and to require of them to take an oath of office previous to entering upon the duties of their respective offices, and shall further require of them a bond with security conditioned for the faithful performance of the duties of their respective offices. The Town Council shall also have power to fix to the violation of the by-laws and ordinances of the corporation, such penalties, either by fine or imprisonment as they may deem proper; *Provided*, that no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted up in one of the most public places in said town, or published in some newspaper in said town, at least ten days, and the certificate of the Recorder entered upon the record of said Town Council shall be deemed and taken to be sufficient evidence of such publication.

Receipts and expenditures posted annually

SEC. 10. The Town Council shall, at the expiration of each and every year, cause to be made out and posted up as aforesaid, or published in some newspaper in said town, the receipts and expenditures of the preceding year.

Powers of the council enumerated

SEC. 11. The Town Council shall have power to enact, establish, publish, alter, modify, amend or repeal all such ordinances, rules and by-laws for the government and good order of the town, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any person who may violate any of the provisions of such ordinances, rules or by-laws, and such ordinances, rules or by laws, are hereby declared to be and to have the force of law; *Pro-*

vided, That they be not repugnant to the constitution and laws of the United States and of this State; and for these purposes, shall have authority by ordinance or by by-laws to organize fire companies, hook and ladder companies, to regulate their government and the time and manner of their exercises; to provide all necessary apparatus for the extinguishment of fires; to require the owners of buildings to provide and keep suitable ladders and fire-buckets, which are hereby declared to be appurtenances to real estate, and exempt from seizure, distress or sale in any manner; and if the owner shall refuse to procure suitable ladders and fire-buckets, after a reasonable notice, the Common Council may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladders or fire-buckets, or both, with costs of suit; to regulate the storage of gun-powder and other dangerous material; to direct the safe construction of a place for the deposit of ashes; to appoint one or more fire wardens to enter into, at reasonable times, and examine all dwelling houses, lots, yards, enclosures and buildings of every description, in order to discover if any of them is in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition, to regulate the manner of putting up stoves and stovepipes; to prevent fires and the use of fire-works and fire-arms within the limits of said town or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishing of fires, and to pull, break down and raze such buildings in the vicinity of the fire, as shall be directed by the Common Council or a majority of them who may be at the fire, for the purpose of preventing its communication to other buildings, and generally to establish other measures of prudence for the prevention and extinguishment of fires as they may deem proper.

Powers of the council enumerated

Second—To prevent, abate and remove nuisances, and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandlers shop, soap factory, tannery, stable, barn, privy, sewer, butcher shop, or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the town.

Third—To license and regulate the exhibitions of common showmen or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses or theatrical performances, under the ordinances of common law.

Fourth—To restrain and prohibit all description of gaming and frandulent devices and practices, and all playing of cards, dice or other games of chance for the purpose of gaming in said town.

Fifth—To prevent any riots, noise, disturbance or disor-

Powers of the council enumerated

derly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, shows and exhibitions.

Sixth—To direct the location and management of all slaughter-houses and markets.

Seventh—To prevent the incumbring of streets, sidewalks, alleys, or the public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, firewood, or other materials or substance whatever.

Eighth—To prevent horse-racing, immoderate driving or riding in the streets within the limits of the town.

Ninth—To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for every such animal found so going at large in violation of the by-laws of the town.

Tenth—To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax upon the same.

Eleventh—To prevent any person from bringing, depositing or having within said town, any putrid carcass or unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind; and in default, to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Twelfth—To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burying of the dead, and the returns of the bills of mortality, and to exempt burying grounds set apart for public use from taxation.

Thirteenth—To prevent all persons from riding or driving any horse, mule, ox, cattle or other animal on the sidewalks in said town, or in any way doing damage to such sidewalks.

Fourteenth—To restrain drunkards, immoderate drinking or obscenity in the streets or public places, and provide for arresting, removing and banishing any person or persons who may be guilty of the same, and to regulate, restrict or prohibit the sale of intoxicating drinks in said town.

Fifteenth—To protect trees and monuments in the town.

Sixteenth—To regulate and provide for the improvement, changing and grading of the streets and alleys of said town, under such rules and regulations as they may adopt.

Seventeenth—To provide for conveying the water in pipes into any and all parts of said town, in any manner they may deem necessary for the convenience of the inhabitants thereof.

SEC. 12. For the purpose of more effectually enabling the said Town Council to carry into effect the provisions of

this Act, the town shall have power in its corporate capacity by a major vote of all the electors present at a legal meeting, to levy a tax on all the property within the limits of said corporation, made taxable by the laws of this State, not exceeding one cent on the dollar of valuation, as the same may be found on the books of the County Commissioners of the county within which said town may be located at the time of assessing said tax. The avails of such tax to be apportioned for such public purposes as the electors may determine by vote, as aforesaid. And all meetings for the raising of money and the choice of officers, shall be called by posting a written or printed notice thereof, in at least three of the most public places in said town, or by publishing the same in the newspaper or newspapers published in said town, at least ten days before the time of said meeting.

Corporation tax how levied

SEC. 13. When any tax is levyed, it shall be the duty of the Recorder to make out a duplicate of the taxes, charging each individual owning property in said corporation with the amount assessed on each item of property, as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Recorder, and one copy thereof shall be placed in the hands of the Marshal, or such other person as shall be appointed Collector, whose duty it shall be to collect said tax in the same manner and under the same regulations as other county taxes are collected; and the Marshal, or such other person as may be appointed Collector, shall immediately after collecting said tax, pay the same over to the Treasurer of said corporation, taking his receipt therefor; and the said Marshal or other Collector shall have the same power to sell both real and personal property for the non-payment of the corporation taxes as is given to the County Collector; and, when necessary, the Recorder shall have power to make deed in the same manner that Sheriffs do; and the Marshal or other Collector shall receive for his fees such sum as the Town Council may direct, not exceeding six per centum on all moneys by him collected, to be paid by the Treasurer on the order of the Recorder.

Tax manner of collecting

SEC. 14. The President, Recorder, or other officers of said corporation, shall, on demand, deliver to their successors in office, all such books and other property as appertaining in anywise to said corporation.

Delivery of books to successors

SEC. 15. It shall not be lawful for the officers of said corporation to receive for their services more than one dollar per day for the time necessarily employed in the performance of their duties, except that the President, when performing duties as Justice of the Peace, shall receive such compensation, and from the same source, as is by law provided for similar services.

Per diem of town officers

SEC. 16. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the ninth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 9, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXLIX.

An Act to authorize the Register of Deeds of Kandiyohi County to copy from the Records of Meeker County.

Authority to copy records from Meeker county

SECTION 1. Authority to copy Records from Meeker County.
2. Fees for copying, and to be paid by Kandiyohi County.
3. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

Fees for copying to be paid by Kandiyohi county

SECTION 1. That it shall be lawful for the Register of Deeds of the County of Kandiyohi to copy from the records of the County of Meeker, all deeds, mortgages and other evidences of titles now remaining, of record, in the County of Meeker, in all cases, where the lands are situated within the County of Kandiyohi.

SEC. 2. That the Register of Deeds of Kandiyohi County shall be entitled to the same fees for the same as he is entitled by law for making original records, to be audited by the proper officer of Kandiyohi County, and paid out of the County Treasury.

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second, one thousand eight hundred and fifty eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CL.

An Act to Incorporate the Town of St. Lawrence.

SECTION 1. Boundaries of the Town.
2. First Town Officers, and their term of office.
3. Oath of office to be taken.
4. Town Council required to enter the land embraced in town site.
5. Town site to be divided and deeded to original owners or claimants.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land in the counties of Scott and Carver as is contained in the Town of St. Lawrence, as the same is recorded in the office of Register of Deeds for the counties aforesaid, be and the same is hereby created a town corporate by the name of St. Lawrence, with all the privileges and responsibilities usually enjoyed by municipal corporations. Boundaries

SEC. 2. That S. B. Strait shall be President, and Wm. H. Stodder and Charles L. Pierson, Trustees of said town, with power to appoint an additional Trustee and a Recorder, who shall hold their offices for one year from the date of the passage of this Act, and until their successors are elected and qualified. And the same shall constitute the Town Council of said town of St. Lawrence; and the said Town Council shall have power to appoint other officers necessary for the good government of the town. First town officers—term of office

SEC. 3. Each member of the Town Council, before entering upon the duties of his office, shall take an oath or affirmation to support the Constitution of the United States, and also an oath of office. Oath of office to be taken

Town council to enter town site

SEC. 4. It shall be the duty of the Town Council of said town, to enter so much land within the corporate limits of said town as can be entered under the provisions of the Act of Congress, entitled "An Act for the relief of citizens of towns upon lands of the United States under certain circumstances," and approved May twenty-three, eighteen hundred and forty-four.

Townsite to be deeded to owners or claimants

SEC. 5. It shall be the duty of the Town Council of said town, as soon as the title to said lands shall be obtained under the provisions of said Act of Congress, to ascertain the number of persons entitled to lots or squares within said town who may have a valid right, either by an original claim, or by transfer from any person or persons having made an original claim to said lands, and to deed under the hand of the President, and attested by the Recorder, and sealed with the seal of the corporation, to every such person entitled as aforesaid; *Provided*, That no street nor alley shall so be deeded; *And provided also*, That any person or persons to whom lots or squares shall be deeded as aforesaid, shall previously have paid to the Treasurer or Recorder of said town, at the rate of three dollars for each deed, including two or less than two lots, and five dollars for each deed including more than two lots.

SEC. 6. This Act to take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLI.

An Act to Incorporate the Town of Somerville.

SECTION 1. Boundaries of the Town.
2. Corporate authorities of the town—how chosen.
3. Town site to be entered at Land Office.
4. First President of the Town—his duties.
5. Deeds of lots to persons entitled to be given by Common Council.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as has been surveyed,

mapped and recorded in the Register of Deeds office, in the county of Meeker, not exceeding (320) three hundred and twenty acres, be and the same is hereby created a town corporate by the name of Somerville, with all the powers, privileges and responsibilities usually enjoyed by municipal corporations. Boundaries

Sec. 2. That the corporate authorities of said town shall be a President and Common Council, which shall be known as the "President and Common Council of Somerville." That for the good order and government of said town, it shall be lawful for the President thereof, on or before the first day of October, A. D. eighteen hundred and fifty-eight, to appoint not less than three discreet persons, as the Common Council, who shall serve till their successors are chosen and qualified; and who, with the consent of the President, shall have full power and authority to make and establish all needful rules and regulations for the government of said town corporate. Corporate authorities of the town—how chosen

Sec. 3. It shall be the duty of the President, with the consent of the Council of said town corporate, to enter so much land within the corporate limits of said town, as can be entered, under the provisions of the Act of Congress, entitled "An Act for the relief of citizens of towns upon the lands of the United States, under certain circumstances," approved May twenty-three, eighteen hundred and forty-four. Town site to be entered

Sec. 4. That Albert D. Pierce shall be the first President of said town, and shall serve from and after the date of this Act, and until his successor shall be chosen and qualified, under such rules and regulations as the Common Council, with the consent of the President, shall establish; and in the event of any vacancy of the President, the Common Council may fill the same; and if in the Common Council, the President shall fill the same; said President and Common Council shall provide for an election of officers annually, commencing on the first Tuesday of January, eighteen hundred and fifty-nine. First President his duties

Sec. 5. It shall be the duty of the Common Council, as soon as the titles to said lands shall be obtained, pursuant to third Section of this Act, to ascertain the number of persons entitled legally or equitably to lots or squares within said town, and to deed under the hand of the President and seal of the corporation, to every such person entitled as aforesaid. Deeds given to persons entitled by town council

Sec. 6. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

Approved—July the twentieth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
July 20, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLII.

An Act to legalize the Election of Town Officers at Looneyville in the Township of Houston, Houston County.

SECTION 1. Election for Township officers legalized and confirmed.
2. When officers elected shall qualify.

Be it enacted by the Legislature of the State of Minnesota:

Election for township officers legalized and confirmed

SECTION 1. That the election held at Looneyville, in the county of Houston, Minnesota, on the thirteenth (13) day of May, A. D. 1858, in pursuance of an order of the County Commissioners of said county, and in accordance with the provisions of an Act entitled an Act providing for township organization, approved March the twentieth, A. D. 1858, is hereby legalized and confirmed.

When officers shall qualify

SEC. 2. And all persons having received the highest number of votes cast at said election held at Looneyville, as aforesaid, for the respective offices designated in said Act above named, are hereby declared duly elected and shall qualify and enter upon the duties of their respective offices within thirty (30) days from and after the passage of this Act.

SEC. 3. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
August 10, 1858. }

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLIII.

An Act to legalize the survey of South Wabashaw, in Wabashaw county.

SECTION 1. Survey and plat of South Wabashaw and City of Wabashaw confirmed.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The survey and plot of South Wabashaw, and city of Wabashaw, in the county of Wabashaw, as surveyed and platted by H. J. Hilbert, in September, A. D. 1855, and embracing the following described lands, to wit: The west half of the north-west quarter of section thirty-three, and the north-east quarter of section thirty-two, in town one hundred and eleven, range ten, is hereby declared to be the legal survey and plat of said town of South Wabashaw. Survey and plat confirmed

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August third, one thousand eight hundred and fifty eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 3, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLIV.

An Act to alter and amend the survey of the town of Fillmore, Fillmore county.

SECTION 1. Change in survey of town authorized.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Fayette Phillips is authorized and em-

Change of survey in town authorized

powered to alter and change the survey of the town of Fillmore, Fillmore county, so as to correspond with the revised plot of said town.

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August fifth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 5, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLV.

An Act to incorporate the towns of Holmes City and Grove Lake.

SECTION 1. Boundaries of the town of Holmes City.
2. Boundaries of Grove Lake.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That so much land in the county of Douglas as has been surveyed and laid out by the North-Western Pioneer Land Company as the town of Holmes City, be and the same is hereby created a town corporate by the name of Holmes City, with all the powers, privileges, and responsibilities usually enjoyed by municipal corporations.

Boundaries of the town

SEC. 2. That so much land on the Red River Trail as has been surveyed and laid out by the North Western Pioneer Land Company as the town of Grove Lake, be and the same is hereby created a town corporate and politic by the name of Grove Lake, with all the powers, privileges and responsibilities usually enjoyed by municipal corporations.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-fourth, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim.*

SECRETARY'S OFFICE, Minnesota, June 24, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLVI.

An Act to incorporate the town of Marmata.

SECTION 1. Boundaries of the town.
2. Corporate authorities—election every two years.
3. First election of town officers.
4. Appointment of first town officers.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land in the county of Lake, and State of Minnesota, as has been surveyed, platted and recorded in the office of the Register of Deeds for said county, under the name of "Marmata," be, and the same is hereby created a town corporate, by the name of Marmata, with all the powers, privileges, and responsibilities usually enjoyed by municipal corporations. Boundaries

SEC. 2. That the corporate authorities of said town shall be a President and Common Council, which shall be known as the President and Common Council of Marmata; that for the good order and government of said town, it shall be lawful, and there shall be elected every two years, a President, Secretary, and three Trustees, who shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business. Corporate authorities—election every two years

SEC. 3. That the first election of officers named in the foregoing section, shall be held on the first Monday of October, A. D. 1858, or as soon thereafter as convenient; notices of such election to be posted in three public places in said town, at least fifteen days before said election. First election of town officers

SEC. 4. Until the first election of officers the following shall be the officers of said town, viz: for President, Robert

Appointment of first town officers

Jonson; for Secretary, Vose Palmer; for Trustees, James A. Cooper, E. C. Sweet, and L. C. Palmer.

SEC. 5. This Act to take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLVII.

An Act to amend an Act entitled An Act to provide for the laying out of certain State Roads in the State of Minnesota, approved March 20th, 1858.

SECTION 1. Amendment to Section 89, of Chap. 15.

Be it enacted by the Legislature of the State of Minnesota:

That Section 89 of said Act is hereby amended so as to read,

Amendment to sec 89 chap 15

That Embrick Knudson, John Nelson, and Edmond Bell, are hereby appointed Commissioners to re-locate and establish such portion of the Territorial Road from Brownsville to Mankato, as lays between Gilbert Anderson's, in town 101, of range 6, to section 16 in town 101, of range 7.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twelfth, one thousand eight hundred and fifty eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLVIII.

An Act to authorize the late County Commissioners of Blue Earth County to act as Commissioners in carrying out the provisions of an Act entitled An Act to authorize the Commissioners of Blue Earth County to borrow money.

SECTION 1. Powers of late Commissioners of Blue Earth County.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the late Commissioners of Blue Earth County, are hereby aurhorized and empowered to act as County Commissioners of Blue Earth County, so far as relates to the carrying out the provisions of an Act entitled "An Act to authorize the Commissioners of Blue Earth county to borrow money," approved eleventh day of June, A. D. 1858.

Powers of late commissioners of Blue Earth county

SEC. 2. Said Commissioners powers shall not extend to any other county matters, save and except those specified in Section One of this Act, and their powers shall altogether cease after the second Monday in September, 1858.

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—July fourteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 14, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLIX.

An Act in relation to a Territorial Road from Smithtown to Shakopee.

SECTION 1. Repeal of Chapter 85 of laws of 1856, locating a State Road.

Be it enacted by the Legislature of the State of Minnesota:

Repeal of chap 85 of laws of '56 locating a state road

SECTION 1. That the Territorial Road laid out and established from Smithtown, on Minnetonka Lake, in Carver county, to Shakopee, in Scott County, be and the same is hereby vacated and discontinued; and that Section 41 of the Act entitled An Act to provide for laying out certain Territorial Roads in the Territory of Minnesota, and other purposes, approved March 1st, 1856, which authorizes the location of said road, is hereby repealed.

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-sixth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLX.

An Act in regard to the Road from Minneapolis to Greenwood.

SECTION 1. Road from Minneapolis to Greenwood declared a State Road.
2. Plat of Road when to be filed with Register of Deeds.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Territorial Road laid out and sur-

veyed by Beedee and Mendenhall, surveyors of Minneapolis, from Minneapolis to Greenwood, pursuant to law, in July, 1856, be and the same is hereby declared to be a State Road. Road from Greenwood to Minneapolis a state road

SEC. 2. The plat of said road as surveyed by the said Beedee and Mendenhall, shall be filed in the office of the Register of Deeds of Hennepin county, on or before the fifteenth day of August A. D. 1858.

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXI.

An Act authorizing the Register of Deeds of Olmsted County, to copy from the Records of Fillmore County.

SECTION 1. Register of Olmsted County authorized to copy records from Fillmore County.
2. Fees for copying.
3. Costs thereof to be paid by Olmsted County.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Register of Deeds of Olmsted county, is hereby authorized to copy from the office of the Register of Deeds in Fillmore county, all deeds, mortgages, bonds, powers of attorney, or other instruments which have been recorded in Fillmore county, that relate to the real estate, situated in Olmsted county. Register of Olmsted county to copy records from Fillmore county

SEC. 2. The Register shall receive for such services, such fees as are allowed by law for recording deeds, and other instruments in writing, and for traveling fees, the same per mile as is allowed to clerks of election in making election returns. Fees for copying

Costs how paid

SEC. 3. The cost of such copying, and the traveling fees shall be paid out of the treasury of Olmsted county, the Board of Supervisors first approving the same.

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN Secretary.

CHAPTER CLXII.

An Act to confirm the alteration of the survey and plat of the Town of Belle Plaine.

SECTION 1. Alteration in survey and plat of Town confirmed.

Be it enacted by the Legislature of the State of Minnesota:

Alteration and survey of plat of town confirmed

SECTION 1. That the survey and plat of the town of Belle Plaine, in Scott county, recorded in the office of the Register of Deeds for said county, on the 31st day of December, A. D. 1855, be and the same is hereby vacated, and the survey and plat of said town as filed on record in said office, on the 4th day of August 1857, be and the same is hereby confirmed.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXIII.

An Act to Incorporate the Towns of Echota and Marion.

SECTION 1. Location and Boundaries of the Town of Echota.
2. Designation of first Town Officers.
3. Location and Boundaries of the Town of Marion.
4. First Town Officers designated.

Be it enacted by the Legislature of the State of Minnesota.

SECTION 1. That one mile square situated on Otter Tail River, and at the foot of Truth Lake, on said river, as surveyed by B. Densmore, be and the same is hereby created a town corporate and politic by the name and style of Echota, subject to all rights and privileges of similar town corporations, according to an Act entitled "An Act to incorporate certain towns in the Territory of Minnesota," approved May 23, A. D. 1857. Boundaries of Echota

SEC. 2. That John Nininger shall be President, Joseph B. Horne shall be Recorder, and Nathan Johnson, M. Groff and James K. Hoffman shall be the Justices of said town of Echota, who shall hold their offices until their successors are elected and qualified under the Act above referred to. First town officers

SEC. 3. That one section of land situated at the southwest end of Otter Tail Lake, and lying north of Otter Tail River, as surveyed by order of the Echota and Marion Land Company, be, and the same is hereby created a town corporate and politic by the name and style of "Marion," subject to all the rights and privileges of similar town corporations, according to an Act entitled "An Act to incorporate certain towns in the Territory of Minnesota," approved May 23, A. D. 1857. Boundaries of Marion

SEC. 4. That B. Densmore, shall be President, J. V. Wren, shall be Recorder, and that J. Brayton, G. Solvyne, and J. Robertson shall be the Trustees of the said town of Marion, who shall hold their offices until their successors are elected and qualified under the Act above referred to. First town officers

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXIV.

An Act to legalize the Acts of the County Officers of the County of Anoka.

SECTION 1. Acts of County Officers of Anoka County legalized.

Be it enacted by the Legislature of the State of Minnesota:

Acts of county officers legalized

SECTION 1. That the acts of the county officers of Anoka county, for the year A. D. 1857, so far as the same relate to the assessment, the assessment roll, and the return thereon, for said year A. D. 1857, are hereby ratified and confirmed, and the action of said officers shall be valid and binding upon all persons, any non-compliance with the Statutes of Minnesota, in relation to said assessment, and assessment roll, and the return thereon, to the contrary notwithstanding.

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June seventeenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 17, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXV.

An Act to locate a State Road in Fillmore County.

SECTION 1. Appointment of Commissioners to lay out State Road from Rushford to Forrestville.
2. Meeting of Commissioners.
3. Draft of location of road to be deposited with Board of County Supervisors.
4. Expenses of location to be paid by Fillmore County.
5. Per diem of Commissioners.

Be it enacted by the Legislature of the State of Minnesota.

SECTION 1. That N. Reddmon, George Babcock, and Elias

Lint, are hereby appointed Commissioners to mark out and locate a State Road, commencing at the town of Rushford in the county of Fillmore, and to extend to the town of Forrestville, in same county; the road to be located in the valley of the south fork of Root River. Appointment of commissioners

SEC. 2. The said Commissioners shall meet at Rushford, on the first Monday in October, A. D, 1858, or as soon thereafter as practicable, and proceed to discharge the duties imposed on them by the provisions of this Act: *Provided, however*, That in the absence of any one of said Commissioners appointed by this Act, the others may have power to supply said vacancy by appointing another Commissioner, or may in case a majority of them meet, proceed to discharge their duties. Meeting of the commissioners

SEC. 3. The said Commissioners shall make out a fair and accurate draft of the location of said road, one copy whereof shall be deposited in the office of the Clerk of the Board of County Supervisors of the county of Fillmore. Draft of road to be deposited with supervisors

SEC. 4. That the expenses incurred in the location of the same shall be paid by said Fillmore county. Expenses how paid

SEC. 5. That the said Commissioners shall be allowed the sum of three dollars per day for the time necessarily occupied in the location of said road, and they are hereby empowered to employ one surveyor, at three dollars per day, two chainmen and one axe-man at a sum not exceeding two dollars per day, each. Per diem of commissioners

SEC. 6. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXVI.

An Act to Incorporate the Town of Eskewaju.

SECTION 1. Boundaries and location of the town.
2. First Town Officers.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land lying on the Tipsina River,

Boundaries and location of the town

not to exceed three hundred and twenty (320) acres, as surveyed by order of the Echota and Marion Land Company, be, and the same is, hereby created a body corporate and politic, by the name and style of Eskewaju, subject to all the rights and privileges of similar town corporations as provided in an Act, entitled "An Act to incorporate certain Towns," approved May twenty-three, A. D. eighteen hundred and fifty-seven.

First town officers

SEC. 2. That G. Soloyus shall be President; C. W. Iddings shall be Recorder, and John Nininger, John V. Wren and B. Densmore shall be Trustees of the Town of Eskewaju, and shall hold their offices until their successors are duly elected and qualified under the Act above referred to.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June the tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXVII.

An Act to Incorporate the Town of Yarmouth.

SECTION 1. Boundaries of the Town.
2. Corporate officers, how elected.
3. Town site to be entered by the President and Secretary.
4. To have the privileges and be subject to the liabilities in the incorporation Act of the Town of Wilton.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That so much land, not exceeding three hundred and twenty (320) acres, in township one hundred and twenty-two (122), north of range twenty-nine (29), west of the fifth principal meridian, as is surveyed and platted as the town site of Yarmouth, be, and the same is hereby created a town corporate by the name of Yarmouth.

SEC. 2. That for the good order and government of said town it shall be lawful, and there shall be established a Town Council of said town, consisting of a President, Secretary and three Trustees, who shall hold their office for one year and until their successors are elected and qualified, any three of whom shall be a quorum for the transaction of business, and that George W. Cutter shall be the first President, and W. H. Bradley the first Secretary of said Town Council. Officers how elected

SEC. 3. It shall be the duty of the President and Secretary of said Town Council to enter so much land within the corporate limits of said town, as can be entered under the provisions of the Act of Congress, entitled "An Act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May twenty-three, eighteen hundred and forty-four. Town site to be entered

SEC. 4. The said town of Yarmouth shall have all the privileges and be subject to all the rules and liabilities named in an Act to incorporate the town of Weston, approved March seven, eighteen hundred and fifty-seven. Same privilege and liability as town of Wilton

SEC. 5. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June the tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXVIII.

An Act authorizing the Register of Deeds of Pine County to copy from the Records of Chisago County.

SECTION 1. Authority to copy Records from Chisago County.
2. Fees for Register for copying Records.
3. Costs of copying to be paid by Pine County.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Register of Deeds of the County of

of Pine is hereby empowered and authorized to copy from the records of the County of Chisago all deeds, mortgages, bonds, powers of attorney, bills of sale, or any instruments of agreement which have been recorded in the County of Chisago, pertaining or relating to property real or personal which is within the limits of the County of Pine.

Authority to copy records

Fees for copying

SEC. 2. The Register of Deeds shall receive for such services the same fees as are allowed to clerks of elections in making election returns, as traveling fees, and the same for copying the instruments [named] in Section one as are allowed by law for recording the same.

Expenses how paid

SEC 3. The costs of such copying and traveling fees shall be paid out of the Treasury of the County of Pine; the County Commissioners first approving of the same.

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June the eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXIX.

An Act for the Relief of Cannon Falls School District Number eleven, of Goodhue County.

SECTION 1. Proceeding of School District No. 11 legalized.
2. Trustees of School District to borrow money if so voted by the people.
3. Authority to levy tax for the support of schools.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. All the proceedings of School District number

eleven, of Goodhue county, in its organization and in levying taxes for the erection of a school house and the support of schools, are hereby legalized and the same shall have the force and effect of law, notwithstanding any irregularities which may have existed therein. Proceedings legalized

SEC. 2. The Trustees of said district, if a majority of the legal voters of the same, at any legally called and organized meeting shall so determine, are empowered to loan the credit of the district, by the issue of bonds or otherwise, for the payment of its indebtedness, and for building, purchasing, hiring or leasing suitable rooms for the use of its schools; *Provided*, The whole amount of such bonds or obligations does not exceed the sum of two thousand dollars. Trustees to borrow money

SEC. 3. The district at any legal meeting, is hereby authorized to raise by tax, an amount sufficient to pay its indebtedness, and for the support of its schools during the current year. Authority to levy tax

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June the tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXX.

An Act to authorize the construction of a Bridge across Crow River.

SECTION 1. Appointment of Commissioners to construct Bridge.
2. Duties of Commissioners specified.
3. Expenses to be borne by Hennepin and Wright counties.
4. Per diem of Commissioners.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. R. R. Hurlbut, Charles Ayd and O. H. Kelly,

Appointment of commissioners

are hereby appointed and constituted Commissioners to construct a bridge across Crow River at or near its mouth, at some point to be hereafter designated by said Commissioners.

Duties of commissioners

SEC. 2. Said Commissioners shall as soon hereafter as practicable prepare plans and specifications for said bridge, and shall advertise publicly for proposals to build the same, and shall have power to award the contract to the lowest bidder, *Provided*, he or they shall enter into bonds with said bridge commissioners for the true and faithful performance of the contract.

Expenses how paid

SEC. 3. The expense of said bridge shall be borne by Hennepin and Wright counties, as follows: Hennepin county shall pay two-thirds, and Wright county one-third; and the County Commissioners of said counties are hereby authorized and empowered to levy a tax in their respective counties sufficient to pay all and every expense incurred in the construction and completion of the bridge.

Per diem

SEC. 4. The Bridge Commissioners appointed under and by virtue of the provisions of this Act, shall be entitled to receive for their services while actually engaged in procuring the construction and completion of said bridge, the sum of two dollars per day each, for every day while so employed, and shall receive their pay out of the fund authorized to be raised as provided in the preceding Section.

SEC. 5. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXI.

An Act to extend the time for the Collection of Taxes in the counties of Wright, Benton, Stearns, Sherburne and Morrison.

1. Time of collection of Taxes extended to November, 1858.
2. When returns of taxes shall be made.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the time for the collection of taxes in the counties of Wright, Stearns, Benton, Sherburne and Morrison, for the year 1857, be and the same is hereby extended to the third Monday in November, 1858. *Provided*, That if any person against whom any tax for either of said counties remains unpaid, shall be about to change his residence from either of said counties, then the Collector of the county from which such person is about to move shall proceed to collect the tax standing against such person, according to the laws in force previous to the passage of this Act. Time extended

SEC. 2. The Collector of Taxes for said counties of Wright, Benton, Stearns, Sherburne and Morrison, shall make his returns to the proper authorities, on the third Monday of December, 1858. And said collector shall immediately pay over to the proper authorities all the taxes collected by him previous to the passage of this Act. Returns when made

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February eighth, one thousand eight hundred and fifty-eight.

CHARLES L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, Feb. 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CLXXII.

An Act to locate a State Road from Red Wing, in Goodhue county, to Albert Lea, in Freeborn county.

SECTION 1. Appointment of Commissioners to lay out Road.
2. When the Commissioners shall meet.
3. Draft of the location of the road to be deposited with County Commissioners.
4. Expenses to be paid by counties through which the road passes.
5. Per diem of Commissioners.
6. Authority for Commissioners to employ substitutes.

Be it enacted by the Legislature of the State of Minnesota:

Appointment of commissioners

SECTION 1. That Geo. A. Watrous, D. S. Bentley and Alpheus Hall, be and the same are hereby appointed and constituted Commissioners for the purpose of locating and laying out a State Road, commencing at the town of Red Wing in the County of Goodhue; from thence by way of Zumbrota, Concord, Ashland, Oak Glen, Geneva, and Bancroft, to Albert Lea, in the County of Freeborn.

Meeting of commissioners

SEC. 2. That said Commissioners shall meet at Red Wing on or before the first Monday in September, A. D. 1858, and proceed to discharge the duties imposed upon them by the provisions of this Act.

Draft of road to be deposited

SEC. 3. That said Commissioners shall make out a fair and correct draft of the location of said road, and deposit, or cause to be deposited, in the office of the Clerk of the Board of County Commissioners of the counties through which said road may pass, a true and correct copy of said copy of said draft.

Expenses how paid

SEC. 4. That each of the several counties through which said road shall pass shall pay the expenses incurred in the location of the same in proportion to the length of said road in each county respectively.

Per diem of commissioners

SEC. 5. That said Commissioners shall be allowed the sum of three dollars per day for the time necessarily occupied in the location of said road; and they are hereby authorized and empowered to employ one Surveyor at three dollars per day, two chain-men and one axe-man at two dollars per day, for the purpose of aiding in the location of said road.

Authorised to employ substitutes

SEC. 6. That each or either of said Commissioners are hereby empowered to employ a substitute to act in said Commissioner's stead in the event that either of them shall be unable to enter upon the duties of this Act either from sickness or otherwise.

SEC. 7. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, Feb. 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CLXXIII.

An Act to locate a State Road from Marion to Ashland.

SECTION 1. Commissioners appointed to locate a State Road from Marion to Ashland.
2. First meeting of Commissioners.
3. Copy of plat of Road to be deposited with Register of Deeds.
4. Power of Commissioners to appoint substitutes.
5. Per diem of Commissioners.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That W. P. Gibson, ——— Little, and Jas. L. Hodges, be, and the same are hereby appointed Commissioners to lay out, mark and survey a State Road from Marion in Olmsted county, to Ashland, in Dodge county. Commissioners appointed

SEC. 2. The said Commissioners or their substitutes duly authorized, shall meet at Marion on the second Monday of September, A. D. 1858, or as soon thereafter as may be practicable, and proceed to survey, mark and lay out said road by the nearest and most feasible route. The expense of laying out and surveying said road shall be paid by the counties through which said road may pass. The Commissioners shall decide the proportion and amount of such expense to be paid by said counties through which said road may pass, and notify the Clerk of the Board of Supervisors of each of said counties of the same. Meeting of commissioners

SEC. 3. The above named Commissioners shall cause to

Plat to be deposited

be deposited in the offices of the Register of Deeds of the counties through which said road may pass a copy of the survey of said road.

May appoint substitutes

SEC. 4. In the event either of said Commissioners shall be unable to perform the duties assigned him in this Act, he shall have power to appoint a substitute, and it shall be his duty to notify the other Commissioners of such substitution: *Provided*, That if at the first meeting mentioned in the Second Section of this bill, either of said Commissioners shall fail to appear in person or by duly authorized substitute, the said appointment shall be declared cancelled, and the Commissioner or Commissioners, or their duly authorized substitute or substitutes there present, shall have the power to select suitable persons to fill such vacancy or vacancies.

Per diem

SEC. 5. That said Commissioners shall be allowed the sum of two dollars per day, for the time necessarily occupied in the location of said road, and they are empowered to employ one surveyor, at two dollars per day, two chain-men and one axe-man at a sum not exceeding one dollar and fifty cents per day.

SEC. 6. This Act shall take effect on and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim*.

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXIV.

An Act to legalize certain acts of the Town Council of La Crescent, in the County of Houston.

SECTION 1. Certain contracts of Town Council legalized.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the acts of the Town Council of the town

of La Crescent, so far as relates to any contract or agreement made by the said town with Thomas McRoberts, or any other member of the La Crescent Gravel and Plank Road Company, for the completion of a gravel and plank road from a point within a hundred feet of the bank of the Mississippi River, to a point in the town of La Crescent designated in Section (2) of an Act entitled An Act to incorporate the La Crescent Gravel and Plank Road Company, approved March 7th 1857, and the execution of bonds or notes by said Council, or its President, for borrowed money to finish said road in accordance with the vote of said town, to authorize said Council to borrow or hire money for that purpose, and also, the appointment of the Collector of tax for said town, are hereby legalized and confirmed. Certain contracts legalized

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-third, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXV.

An Act to provide for the re-survey and Location of a State Road from St. Paul to Elliota.

SECTION 1. Commissioners named to lay out road.
2. Duties of Commissioners.
3. Per diem of Commissioners.
4. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Isaac Decow, William H. Strong, and H. Coleburn, be and are hereby appointed Commissioners to view, survey and re-locate that portion of a State Road from St. Paul to Elliota, as lays between Fillmore and Big Springs, in Fillmore County. Boundaries

Duties of commissioners

SEC. 2. The Commissioners shall meet at Fillmore, on or before the first Monday in November, A. D. 1858, a majority being present, may fill a vacancy, and employ a surveyor and two chain-men, the surveyor at an expense of not more than three dollars per day, the chain-men at an expense of not more than one dollar and fifty cents per day, and proceed to view, survey and re-locate so much of the road herein specified as to them may seem proper, and shall cause a correct plot of the same to be made and filed in the Registers office of the county of Fillmore.

Per diem

SEC. 3. The Commissioners shall receive for their services the sum of three dollars per day, which shall be paid out of the county treasury, together with all expenses incurred in the re-location and survey of said road.

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXVI.

An Act to authorize the Board of Supervisors of Goodhue County to issue County Bonds for the erection of County Buildings.

SECTION 1. Authority to Supervisors to raise money by sale of bonds.
2. Special tax to be levied for payment of interest and principal.
3. Interest on bonds not to exceed 12 per cent.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Board of County Supervisors of the

county of Goodhue, State of Minnesota, are hereby authorized and fully empowered (two-thirds of the members present voting for the same), to issue County Bonds of said county, to aid in the erection of county buildings in said county, and to any amount not exceeding twenty-seven thousand dollars. Which bonds shall be signed by the chairman of said Board, and attested by the clerk of said Board. Authority to borrow money

SEC. 2. For the purpose of paying the principal and interest to become due on said bonds, and as the same may become due, the Board of Supervisors of said county are hereby authorized and empowered to raise by tax, upon the taxable property of said county, in the usual manner of assessing and collecting taxes, a sufficient sum of money, and in such amounts, and at such times as may be necessary. Tax to be levied

SEC. 3. The said Board of Supervisors shall determine by vote, as aforesaid, whether they will issue County Bonds for the purposes in this Act specified, at their first or second meeting after the passage of this Act, and shall also at the same time determine the amount of bonds to be issued, the rate of interest, (which shall not exceed twelve per cent. per annum), and the time when said bonds shall be made payable, and to whose order they shall be drawn. Interest not to exceed 12 per cent

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-third, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXVII.

An Act to provide for laying out a State Road from Rochester to Wilton.

SECTION 1. Appointment of Commissioners to lay out State Road from.
2. Meeting of Commissioners. Expenses of laying out road, how paid.
3. Per diem of Commissioners.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Robert Moffitt, and David A. Shaw, of the

Duties of commissioners

SEC. 2. The Commissioners shall meet at Fillmore, on or before the first Monday in November, A. D. 1858, a majority being present, may fill a vacancy, and employ a surveyor and two chain-men, the surveyor at an expense of not more than three dollars per day, the chain-men at an expense of not more than one dollar and fifty cents per day, and proceed to view, survey and re-locate so much of the road herein specified as to them may seem proper, and shall cause a correct plot of the same to be made and filed in the Registers office of the county of Fillmore.

Per diem

SEC. 3. The Commissioners shall receive for their services the sum of three dollars per day, which shall be paid out of the county treasury, together with all expenses incurred in the re-location and survey of said road.

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXVI.

An Act to authorize the Board of Supervisors of Goodhue County to issue County Bonds for the erection of County Buildings.

SECTION 1. Authority to Supervisors to raise money by sale of bonds.
2. Special tax to be levied for payment of interest and principal.
3. Interest on bonds not to exceed 12 per cent.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Board of County Supervisors of the

county of Goodhue, State of Minnesota, are hereby authorized and fully empowered (two-thirds of the members present voting for the same), to issue County Bonds of said county, to aid in the erection of county buildings in said county, and to any amount not exceeding twenty-seven thousand dollars. Which bonds shall be signed by the chairman of said Board, and attested by the clerk of said Board. Authority to borrow money

SEC. 2. For the purpose of paying the principal and interest to become due on said bonds, and as the same may become due, the Board of Supervisors of said county are hereby authorized and empowered to raise by tax, upon the taxable property of said county, in the usual manner of assessing and collecting taxes, a sufficient sum of money, and in such amounts, and at such times as may be necessary. Tax to be levied

SEC. 3. The said Board of Supervisors shall determine by vote, as aforesaid, whether they will issue County Bonds for the purposes in this Act specified, at their first or second meeting after the passage of this Act, and shall also at the same time determine the amount of bonds to be issued, the rate of interest, (which shall not exceed twelve per cent. per annum), and the time when said bonds shall be made payable, and to whose order they shall be drawn. Interest not to exceed 12 per cent

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-third, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXVII.

An Act to provide for laying out a State Road from Rochester to Wilton.

SECTION 1. Appointment of Commissioners to lay out State Road from.
2. Meeting of Commissioners. Expenses of laying out road, how paid.
3. Per diem of Commissioners.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Robert Moffitt, and David A. Shaw, of the

Commissioners appointed

county of Dodge, and N. B. Robbins, Jr, of the county of Olmsted, be, and the same are hereby appointed Commissioners to view and lay out and mark a State Road, begining at the town of Rochester, in Olmsted county, thence west on the most practicable route to Ashland, in Dodge county, thence west to Wilton, in Waseca county.

Meeting of commissioners —expenses how paid

SEC. 2. That the said Commissioners or any two them, shall meet at C. C. Coles, in Rochester, on the 25th day of June, A. D. 1858, or as soon thereafter as practicable, and proceed to lay out and mark said road; said Commissioners shall make out a fair and accurate draft of the location of said road, one copy of which shall be deposited in the office of the Secretary of State, on or before the first day of January next, and one copy in the office of Clerk of the Board of County Supervisors of the respective counties through which said road may run, on the time aforesaid, and from thenceforth said road shall be a public highway.

Per diem

SEC. 3. The Commissioners shall be allowed the sum of two dollars per day, for every day necessarily employed in performing the duties assigned by this Act, and the said Commissioners are hereby authorized to employ one surveyor at two dollars per day, and two chain-bearers at a sum not exceeding for each, one dollar per day, the expenses of locating said road shall be paid by the counties through which said road may pass.

The Commissioners shall decide the proportion and amount of such expenses, to be paid by said counties through which said road may pass, and notify the Clerk of the Board of Supervisors of each of said counties of the same.

SEC. 4. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor, *ad interim.*

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXVIII.

An Act to Incorporate the Town of Buchanan.

SECTION 1. Boundaries of the Town.
2. Corporate authorities. Term of office.
3. First election for Town Officers.
4. Town Officers.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land in the county of St. Louis, and State of Minnesota, as has been surveyed, platted and recorded in the office of the Register of Deeds for said county, under the name of Buchanan, and embracing the following description, viz: Boundaries

Lot No. 1, section No. 1, town 51, north range 12 west, also south-east first quarter of section 36, town 52 north, range 12 west, also lots No. 1, 4, 5 and 6 of section 31, town 52 north, range 11 west, containing 315 53-100 acres; be, and the same is hereby created a town corporate by the name of Buchanan, with all the powers, privileges, powers and responsibilities usually enjoyed by municipal corporations.

SEC. 2. That the corporate authorities of said town, shall be a President and Common Council, which shall be known as the President and Common Council of Buchanan; that for the good order and government of said town, it shall be lawful, and there shall be elected every two years, a President, Secretary, and three Trustees, who shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business. Corporate authorities—term of office

SEC. 3. That the first election of officers named in the foregoing section, shall be held on the first Monday of October, A. D. 1858, or as soon thereafter as convenient, notices of such election to be posted in three public places in said town, at least fifteen days before said election. Election for town officers

SEC. 4. That until the first election provided for in the preceding Section of this Act, the following shall be the officers in said town, viz: President, Samuel Clark; Secretary, Wm. G. Cowell; Trustees, Jose Palmer, Leander Palmer, and John Gatherer, who shall hold their offices respectively until their successors are elected and qualified. Town officers

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July thirtieth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
July 30, 1858. }

I hereby certify the forgoing to be a correct copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXIX.

An Act to establish the County of Wadena.

SECTION 1. Boundaries and name of the County.
2. Commissioners to be appointed by Governor.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries and name of county

SECTION 1. That so much territory as is embraced in the following described limits, be, and the same is hereby created into the county of "Wadena," commencing at the south-west corner of township number one hundred and thirty-four, range thirty-five west; thence north on said range line, to the north-west corner of township number one hundred and thirty-eight; thence east on said township line, between township lines number one hundred and thirty-eight and one hundred and thirty-nine to range line, between ranges thirty-three and thirty-two; thence south on said range line to the south-east corner of township number one hundred and thirty-four, range thirty-three; thence west on township line, between townships number one hundred and thirty-three and one hundred and thirty-four to place of beginning. The county seat of said county of Wadena is hereby temporarily located at Wadena.

Commissioners to be appointed by Governor

SEC. 2. The Governor of the State shall appoint three suitable persons a Board of County Commissioners for the county named in this Act, who shall hold their respective offices until the next general election, and until their successors shall be duly elected and qualified; and the Commissioners to be appointed as aforesaid, shall have power to appoint all other county officers for their respective counties, who shall have full power and authority to do and perform

all acts which the Commissioners of other organized counties can do and perform.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June the eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXX.

An Act to authorize the Town Company of Forest City to re-survey and plat said town.

SECTION 1. Authority to re-survey and plat town of Forrest City.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall be lawful for the town company of Forest City to cause said town to be re-surveyed and platted, and shall file a plat of said town with the Register of Deeds of Meeker County, and have it recorded. Authority to re-survey

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 10, 1858.

I hereby certify that the foregoing is a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXXI.

An Act to Incorporate the Town of Le Sueur.

SECTION 1. Boundaries of the Town.
2. Officers named to constitute first Town Council.
3. Town elections when to be held.
4. Manner of conducting the election.
5. Town Council required to enter the land embraced in town site.
6. Town site to be divided and deeded to original owners or claimants.
7. Survey of town into lots, blocks, squares, &c.,—assessment of taxes to pay expenses.
8. Powers of the Town Officers.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries

SECTION 1. That so much land as is contained within the following boundaries, to wit: Lots number three and four, of section thirty-five, and east half of south-east quarter of section thirty-five, and west half of south-west quarter of section thirty-six, township one hundred and twelve, north of range twenty-six, be, and the same is hereby created a town corporate by the name of "Le Sueur."

Officers to constitute town council

SEC. 2. That for the good order and improvement of said town, Geo. W. Stewart be, and is hereby appointed President; J. H. Swan be, and is hereby appointed Secretary, and Otis Ayer, John M. Farmer, and Henry C. Smith, be, and are hereby appointed Trustees, which President, Secretary and Trustees, shall constitute the Council of said town, and shall hold their offices for one year from the first day of May A. D. 1858, or until their successors are elected and qualified.

Annual elections

SEC. 3. It shall be lawful for the qualified electors of said town to meet on the first Tuesday of April A. D. 1859, and of each succeeding year, and elect by ballot, a President, Secretary and Trustees, who shall be qualified electors of said town, and who shall commence the duties of their office on the first day of May next succeeding their election, and shall continue to hold their office for one year, or until their successors are elected and qualified.

Manner of conducting elections

SEC. 4. That the Town Council shall appoint, each year, three Judges and two Clerks of election, to serve at the next election, whose duty it shall be to preside at such election, and to canvass the votes cast at such election, and to issue certificates of election to the persons receiving the highest number of votes, within ten days after such election. And the Town Council shall provide a suitable place for holding the election, and the Secretary shall give at least ten days notice of the time and place of holding such election by posting notices in three or more public places in said town.

Entry of lands embraced in town site

SEC. 5. That it shall be the duty of the Town Council to apply for a pre-emption of all the lands not already entered at the United States Land office, which are included within the corporate limits of said town, under the provision of the Act of Congress entitled "An Act for the relief of the citizens of towns, upon the lands of the United States, under certain circumstances." Approved May 23, 1844.

Deeds given to those entitled

SEC. 6. That it shall be the duty of the Town Council as soon as the title to the said lands shall be obtained, to ascertain the number of persons entitled to lots, squares or blocks, within said town, and to deed, under the hand of the President, attested by the Secretary, and acknowledged before some officer authorized by law to take acknowledgments of Deeds, to every such person or persons so entitled, the lots, squares, or blocks of land which such person may be entitled. And the Town Council is hereby authorized to assess such taxes on the lots, squares, or blocks of said land so entered as shall be sufficient to pay all the expenses of entering and deeding the said land, which tax shall be paid to the said Town Council by the owners of said lots, squares, or blocks, before the said owners shall be entitled to a deed thereof.

Survey of town —expenses how paid

SEC. 7. That it shall be the duty of the Town Council of said town, as soon after the passage of this Act as possible, to cause the lands comprised within the limits of said town to be surveyed and laid out into lots, blocks, squares, streets and alleys, in such manner as they may deem proper, and they shall cause an accurate plat of said survey to be made and recorded in the office of the Register of Deeds, of the proper county, and the said Register of Deeds is hereby authorized to record the same and all former surveys, plats and records, are hereby declared to be vacated and void from and after the date of record of the plat filed by the Town Council. And the Town Council are hereby authorized to assess such tax on each of the lots, blocks and squares of said town, as shall be necessary to pay all the expenses of surveying, platting, and recording the same, which tax shall be paid by the owners of said lots, blocks, or squares. The Town Council is also hereby authorized to assess a tax for corporation purposes, on all property within the limits of said corporation made taxable by the laws of this State, so that said tax shall not exceed in any year, five mills on the dollar of valuation, as the same may be found in the books of the County Commissioners of the county in which said town may be situated.

Powers of the council

SEC. 8. The said Town Council shall have power to make, ordain and establish by-laws, ordinances, rules and regulations for the government of said town, and the same to alter, amend, or repeal at pleasure, to provide in such by-laws for the appointment or election of a Treasurer, Town Marshal, and of all other subordinate officers, which they may think

Powers of the council

necessary for the good government and well being of said town; to prescribe their duties, and determine the period of their appointment and the fees they shall be entitled to receive for their respective services, when the same is not provided for by law, and require of them to take an oath of office previous to entering upon the duties of their respective offices, and may require of them a bond with security, conditioned for the faithful performance of the duties of their respective offices. The Town Council shall also have power to fix, for the violations of the by-laws and ordinances of the corporation, reasonable fines and penalties: *Provided*, That such by-laws and ordinances be not inconsistent with the constitution and laws of this State. And *Provided*, also, That no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted in three public places in said town, at least ten days, and the certificate of the Clerk entered upon the Records of said Town Council shall be deemed and taken as sufficient evidence of such publication.

SEC. 9. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State

CHAPTER CLXXXII.

An Act to amend the Charter of the City of Shakopee, approved May 23, A. D. 1857.

SECTION 1. Amendment to Chapter twenty-three, Extra Session Laws of 1857, repealing a Clause relating to licenses.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much of Chapter four, Section two,

be, and is hereby repealed; "*Provided*, That the license for so dealing in spirituous vinous, fermented, mixed or intoxicating liquors, shall be at least one hundred dollars a year, and so much higher as the Council shall direct," and insert: "*Provided*, That no license be granted for a term of less than one year, and shall not exceed the sum of one hundred dollars for every such license so granted by the said City Council, nor less than twenty-five dollars." Amendment to chap 13 extra session laws of 1857

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXXIII.

An Act to amend An Act to provide for the Construction of the Canon Falls and St. Paul Road, approved March 20, 1858.

SECTION 1. Amendment to Section three, of Chapter twenty-sixth, relating to payment of expenses.
2. Repeal of a portion of Section four, of the same Chapter, concerning the issuing of County Orders.
3. Location and construction of Road, to be in accordance with existing laws.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section three (3), of said Act is so amended that said Section shall read as follows, to wit: "That each county through which said road shall pass shall pay the expenses incurred in locating and constructing that portion of said road in each county respectively." Amendment to sec 3 chap 26

SEC. 2. That so much of Section four (4), of said Act as

Repeal of sec 4 same chap

authorizes said Road Commissioners to issue orders upon the Treasurers of each of said counties for the amount of expenses incurred in locating and constructing said road, is hereby repealed.

Location of road

SEC. 3. That said road, from and after the passage of this Act, shall be located, constructed and repaired in the same manner as by law is provided for locating, opening and constructing State roads in this State.

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim*.

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXXIV.

An Act to amend an Act entitled "An Act to provide for the laying out of certain Territorial Roads in the State [Territory] of Minnesota," approved February 27th, 1855.

SECTION 1. Amendment to Section thirty, Chapter thirteen, Session Laws 1855, concerning the re-location of a Territorial Road.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to sec 30 chap 13 session laws 1855

SECTION 1. That Section thirty of said Act is hereby amended so as to read: "That H. J. Tattersall, Wm. Scoolcraft, and Wm. Carson, are hereby appointed Commissioners to re-locate and establish such portion of the territorial road from a point nearly opposite La Crosse to Mankato, as lies between section one, town one hundred and four, range fourteen, and section one, town one hundred and five, range fifteen, in the county of Olmsted.

SEC. 2. All acts or parts of acts, heretofore passed, inconsistent with the provisions of this Act, are hereby repealed.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June eighteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 18, 1858.

I hereby certify the forgegoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXXV.

An Act to authorize the County of Brown to collect Toll at the Big Cottonwood Bridge.

SECTION 1. Bridge across Big Cottonwood Creek, declared a toll bridge.
2. Tolls collected to be paid into Treasury of Brown County.
3. Rates of Toll for crossing.
4. Rates of Toll to be posted upon the Bridge.
5. Authority to collect Toll for ten years, then bridge to be free.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the bridge now being constructed by the said County of Brown, over the Big Cottonwood River, near its mouth, in said county, shall be, when completed, a toll bridge, under the supervision and control of the County Board of Supervisors for said county; and the said Board of Supervisors, and their successors in office, shall have full authority to collect toll at the said bridge of all persons crossing the same, and shall employ a toll-gatherer for that purpose, which toll-gatherer shall be required to give to the said Board a good and sufficient bond, to be approved by them, for the faithful accounting, paying over of all moneys received for toll at said bridge, and he shall have such compensation, as may be by said Board prescribed. Declared a toll bridge

SEC. 2. That all moneys collected as toll under the provisions of this Act, shall be paid into the Treasury of said County of Brown for the use thereof. Tolls collected how disposed of

Rates of toll for crossing

SEC. 3. The rates of toll for crossing said bridge shall not exceed the following, viz: For each foot passenger, five cents; for each horse, mare or mule with rider, ten cents; for each one-horse carriage, fifteen cents; for each two-horse, two-ox or two-mule team, loaded or unloaded, with driver, twenty-five cents; for each additional horse, mule, ox or cow, one cent per head; for each swine, or sheep, or goat, one-half cent per head.

Rates to be posted on bridge

SEC. 4. It shall be the duty of said Board of Supervisors to post upon said bridge, in a conspicuous place, the rates of toll authorized to be taken thereon.

Authority to collect toll

SEC. 5. The authority of the County of Brown to collect toll at the said bridge, shall be for the term of ten years, after which time said bridge shall forever after remain free to all travel whatsoever.

SEC. 6. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 7, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXXVI.

An Act to authorize the Register of Deeds, of Freeborn County, to copy from the records of Dodge County.

SECTION 1. Register of Deeds authorized to copy records from Dodge County.
2. Compensation therefor to be paid by Freeborn County.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Register of Deeds of the county of

Freeborn, is hereby authorized to copy or transcribe from the books of the Register of Deeds office, in the county of Dodge, any and all warrantee or quit-claim deeds, mortgages, bonds, or other instruments of agreement in writing, which are recorded in said county of Dodge, which belong to or should be recorded in said county of Freeborn. Authorized to copy records

SEC. 2. That said Register of Deeds of the county of Freeborn, shall receive such compensation for copying said records, and recording them in the county of Freeborn, as the Board of Supervisors of said county may contract for, which compensation shall be paid out of the treasurers office of the county of Freeborn, the said Board of Supervisors first auditing and approving said account. Expenses how paid

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June fifteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 15, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXXVII.

An Act to amend An Act to lay out and establish a State Road from a point opposite Shakopee to Dayton in Hennepin County.

SECTION 1. Amendment to Sec. 2, Chap. 19, [see page 126] relating to the commencement of the duties of the Commissioners.
2. Per diem of Commissioners.
3. Chapter 19 declared of full force, except as repealed by this Act.

Be it enacted by the Legislature of the State of Minnesota:

SECTION. 1. That Section 2, of the Act entitled "An Act to

Amendment to sec 2 chap 19

lay out and establish a State Road from a point opposite Shakopee, to Dayton in Hennepin county," be amended so as to read as follows:

SEC. 2. The said Commissioners or a majority of them, shall meet at the office of Franklin Cook, in Hennepin county, on the second Monday in July next, or as soon thereafter as practicable, and proceed to survey and establish said road, according to the provisions of Sec. 1, of this Act.

Per diem of commissioners

SEC. 2. That the Commissioners appointed in said Act to lay out said road, shall receive the sum of three dollars a day for their services in laying out the same, and they are hereby empowered to hire one surveyor, two chain-men, and one axe-man.

Chap 19 in full force—exception

SEC. 3. The said Act of which this is an amendment, is hereby revived and declared to be of full force and effect, except so much thereof as is hereby altered or amended.

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXXVIII.

An Act to authorize the County of Saint Louis to borrow money to make Certain Improvements.

SECTION 1. County Supervisors authorized to borrow money for erection of County buildings.
2. Bonds to be paid in six years, and limit to rate of interest.

Be it enacted by the Legislature of the State of Minnesota:

Authorized to borrow money

SECTION 1. The Board of County Supervisors for the county of Saint Louis, are hereby authorized to issue the bonds of the county for the sum of ten thousand dollars, for the purpose of erecting county buildings at Portland, in said county,

and for building bridges, and opening and improving roads within the limits of said county.

Bonds issued—rate of interest

SEC. 2. Said bonds shall bear interest at a rate not exceeding twelve per cent. per annum, payable annually, and the terms of the bonds shall require the principal to be paid within six years from the date of their issuing.

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CLXXXIX.

An Act to Incorporate the Town of Kasota.

SECTION 1. Boundaries of the Town.
2. Annual election for Town Officers—Town Council.
3. Town elections, how conducted.
4. Vacancies in Town Council—oath of office of members.
5. Receipts and expenditures to be posted annually.
6. Powers of Council over Streets, Alleys, &c.
7. Corporation tax, limit of.
8. Collection of taxes, how made.
9. Duties of the City Justice.
10. Corporation to have use of County Jail.
11. Delivery of books, &c., to successors.
12. Powers of the Town Marshal.
13. Prohibition against borrowing money.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much territory as is contained in the west one-half of section thirty-three, and the east one-half of section thirty-two, and lots one, and so much of lot two in section twenty-nine as lies east of the center line of section

Boundaries

thirty-two, extended north across said lot two to the Minnesota River, in township one hundred and ten, north of range twenty six west, is hereby constituted and incorporated, and is hereby made a municipal corporation by the name of Kasota, and the inhabitants occupying the above described country or lands shall have and possess power by, in and under said corporate name to acquire property real and personal or mixed, for the use of said town, and may sell and convey the same at pleasure. They may sue and be sued, defend and be defended in all actions in all courts of law and and equity.

Annual election—town council

SEC. 2. The inhabitants of said town qualified to vote in State elections, shall meet on the first Wednesday of July, 1858, at ten o'clock in the forenoon, at the school house in said town, and at the same time annually afterwards, at such place as the Town Council may direct, and shall then and there proceed by ballot to elect a Justice of the Peace and four Trustees. The Justice of the Peace and the four Trustees shall constitute the Town Council, over whom the Justice of the Peace so elected, shall preside as President, and in his absence the Town Council shall have power to appoint one of their number to preside, and a majority of the same shall constitute a quorum for the transaction of any business pertaining to their official duties. They shall have power to elect a Clerk from their own number, whose duties, except as hereinafter provided shall be directed or appointed by the Town Council, and said officers shall hold their respective offices for the term of one year, and until their successors are elected and qualified.

Town elections how conducted

SEC. 3. At the first election held under this Act, there shall be chosen *viva voce*, by the electors present two Judges and a Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act, and at all subsequent elections the Trustees, or any two of them shall be judges, and the Clerk of the Town Council, or in his absence, some person to be appointed by the Judges shall beClerk. The polls shall be opened between the hours of ten and eleven o'clock A. M. and closed at four o'clock P. M. of the same day; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true report thereof, and within five days thereafter, he shall give notice to the persons so elected of their election; and it shall be the duty of the said Town Council, at least three days before each and every election, to give notice of the same, by setting up advertisements at three of the most public places in said town, and by one insertion of the same in any public newspaper that may be published in said town. Each member of said Town Council, before entering upon the duties of his office, shall take and subscribe an oath or affirmation to support the Constitution

of the United States and of this State, and also an oath of office.

Vacancies how filled—oath of office

SEC. 4. The Town Council shall have power to fill all vacancies which may occur in said board, from the voters of said town, who shall hold their appointment until the next annual election, and until their successors shall be elected and qualified. The said Town Council shall have power to make, ordain and establish by-laws, ordinances, rules and regulations for the government of said town, and the same to alter, amend or repeal at pleasure; to provide in such by-laws for the appointment or election of a Treasurer, Town Marshal, and of all other subordinate officers which they may think necessary for the good government and well being of said town; to prescribe their duties and determine the period of their appointment, and the fees they shall be entitled to receive for their respective services, when the same is not provided for by law, and require of them to take an oath of office previous to entering upon the duties of their respective offices, and may require of them a bond with security conditioned for the faithful performance of the duties of their respective offices. The Town Council shall also have power to fix for a violation of the by-laws and ordinances of the corporation, reasonable fines and penalties; *Provided*, That such by-laws and ordinances be not inconsistent with the Constitution and laws of this State: *And provided also*, That no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted up at least ten days in three public places in said town, and the certificate of the Clerk entered upon the records of said Town Council, shall be deemed and taken as sufficient evidence of such publication.

Receipts and expenditures posted annually

SEC. 5. The Town Council shall, at the expiration of each and every year, cause to be made out and posted up as aforesaid the receipts and expenditures of the preceding year.

Powers of council over streets alleys &c

SEC. 6. The Town Council shall have power to regulate and improve the streets and alleys, and determine the width of the side-walks in said town, to regulate the public grounds, to erect a market-house and regulate the markets, to remove all nuisances and obstructions from the streets and commons of said town; to prevent any riots, noise, disturbance, disorderly assemblages; suppress and restrain disorderly houses, and houses of ill-fame; and to authorize the destruction of all instruments used for the purpose of gaming, and to do all other things which similar corporations have power to do in order to provide for and secure health, cleanliness and good order in said town.

Corporation tax—limit of

SEC. 7. The Town Council is hereby authorized and empowered to assess a tax for corporation purposes, within the limits of said corporation, made taxable by the laws of this State, so that said tax shall not exceed in any one year five mills on the dollar of valuation, as the same may be found

on the books of the County Commissioners of the county in which said town may be situated.

Collection of taxes—how made

SEC. 8. When any tax is levied, it shall be the duty of the Clerk to make out a duplicate of the taxes, charging each individual owning property in said corporation with the amount assessed on each item of property, as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Clerk, and one copy thereof placed in the hands of the Marshal or such other person as shall be appointed to collect said tax in the same manner and under the same regulations as the county taxes are collected, and the said Marshal or such other person as may be appointed Collector, shall immediately after collecting said tax, pay the same over to the Treasurer of said corporation and take his receipt therefor, and the said Marshal or other Collector, shall have the same power to sell both real and personal property for the non-payment of corporation taxes, as is given to the County Collector, and make the necessary conveyances [in the same manner as is provided by law for the conveyances] of property sold for the payment of county taxes; and the Marshal or other Collector shall receive for his fees, such sum as the Town Council may direct, not exceeding six per centum on all moneys by him so collected and paid over as required by law.

Duties of the City Justice

SEC. 9. The Justice of the Peace elected under the provisions of this Act, shall have and possess the same authority and jurisdiction within the limits of said town as is or may be conferred by law upon Justices of the Peace in the several counties. Such Justice of the Peace shall keep a docket, a fair and true record of his proceedings, judgments and executions in all cases which may come before him, and shall be entitled to the same fees as are allowed to Justices of the Peace for similar services.

Corporation to have use of the county jail

SEC. 10. Said corporation shall be allowed the use of the jail of the county for the imprisonment of such persons as may be liable to imprisonment under the by-laws and ordinances of said corporation, and such person or persons shall be under the charge of the Sheriff of said county, as in other cases.

Delivery of books &c to successors

SEC. 11. The officers of said corporation shall, on demand, deliver to their successors in office, all such books and other property as appertain in anywise to said corporation.

Powers of the town council

SEC. 12. The Marshal or any other officer authorized to execute writs or other process, issued by the Justice of the Peace, shall have power to execute the same within the limits of the county in which said town may be located, and shall be entitled to the same traveling fees as are allowed to constables in similar cases.

SEC. 13. Said town shall have no power to borrow money, nor be liable to pay money borrowed on its account, nor for advances in its behalf by its officers or any other persons;

or shall said town incur any debt or liability for any pur- Prohibition a-
ose whatever, which is not fully covered and provided for gainst borrow-
y the tax authorized in Section eight of this Act. ing money

SEC. 14. This Act shall take effect and be in force from nd after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June twelfth, one thousand eight hundred and ifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, }
June 12, 1858. }

I hereby certify the foregoing to be a true copy of the riginal on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXC.

An Act to incorporate the Town of Le Sueur City.

SECTION 1. Boundaries of the Town.
2. Annual election for Town officers.
3. Manner of conducting Town elections.
4. Oath of office to be taken by members of Town Council.
5. Corporate powers vested in Town officers.
6. Record of proceedings of Town Council.
7. Vacancies in Town Council, how filled.
8. General powers of Town Council.
9. Receipts and expenditures to be posted annually.
10. Powers of Council to regulate and improve streets, &c.
11. Corporation tax, limit of.
12. Collection of tax, how made.
13. Delivery of books to successors.
14. Town Council to pre empt town site.
15. Town Council to deed lots to original claimants.
16. Officers of Town named.
17. Act takes effect on passage.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained within the north-west quarter of section No. thirty-six, of township No. one hundred and twelve, range twenty-six west, the west Boundaries.
half of the south-east quarter, and lots five, six and seven, of section No. twenty-five, of township No. one hundred and twelve, north of range No. twenty six west, be and the same is hereby created a town corporate by the name of Le Sueur City.

SEC. 2. That for the good order and government of said

Annual elections

town, it shall be lawful for the inhabitants thereof, having the qualifications of electors of the Legislative Assembly to meet at the house of K. K. Peck, on the first Monday of April 1859, and at the same time annually thereafter, at such place in said town as the Town Council shall direct, and then and there proceed to elect one President, one Recorder, and three Trustees, being householders of said town, and having the qualifications of electors as aforesaid, who shall hold their offices one year, and until their successors shall be elected and qualified, and such President, Recorder and three Trustees, being so elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties.

Manner of conducting elections

SEC. 3. At the first election to be holden under this Act, the Trustees or any two of them shall be Judges, and the Recorder, or in his absence some person to be appointed by the Judges, shall be Clerk. The polls shall be opened at nine o'clock in the forenoon, and close at four o'clock in the afternoon of said day, and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of the said Town Council, at least ten days before each and every election, to give notice of the same, by setting up advertisements at three of the most public places in said town.

Oath of office

SEC. 4. Each member of said Town Council before entering upon the duties of his office, shall take an oath or affirmation to support the Constitution of the United States, and also, faithfully and impartially to discharge the duties of his office.

Corporate powers

SEC. 5. The President and Recorder, be and are hereby created a body corporate and politic, with perpetual succession, to be known and distinguished by the name and style of "The Town of Le Sueur City," and shall be capable in law by their corporate name aforesaid, to acquire property, real, personal and mixed for the use of said town, and may sell and convey the same at pleasure. They may have a common seal, which they may break, alter or renew at pleasure; they may sue and be sued, plead and be impleaded, defend and be defended, in all manner of actions in all Courts of law and equity; and when any suit shall be commenced against said corporation, the first process shall be served by an attested copy thereof, left with the Recorder, or at his usual place of residence, at least six days previous to the return day of such process.

SEC. 6. The President, and in his absence, the Recorder shall preside at all meetings of the Town Council, and make a fair and accurate record of all their proceedings.

and of the by-laws, rules and ordinances made or passed by the Town Council aforesaid, and the same shall at all times be open for the inspection of the electors of said town; but in case of the absence or inability of the Recorder, the Trustees may appoint one of their body Clerk *pro tempore*. Record of proceedings of town council

SEC. 7. The Town Council shall have power to fill all vacancies which may happen in said board, from the householders who are qualified voters of said town, who shall hold their appointments until the next annual election, and until their successors shall be elected and qualified; and in the absence of the President and Recorder from any meeting of the Town Council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Recorder for the time being. Vacancies how filled

SEC. 8. The said Town Council shall have power to make, ordain and establish by-laws, ordinances, rules and regulations for the government of said town; and the same to alter, amend or repeal at pleasure, to provide in such by laws for the appointment or election of a Treasurer, Town Marshal and all the subordinate officers which they may think necessary for the good government and well being of said town, to prescribe their duties, and determine the period of their appointment, and the fees they shall be entitled to receive for their respective services, when the same is not otherwise provided for by this Act, and to require of them to take an oath of office previous to entering upon the duties of their respective offices, and may further require of them a bond with security, conditioned for the faithful performance of their of their respective offices, The Town Council shall have power to fix to the violation of the by-laws and ordinances of the corporation, reasonable fines and penalties; *Provided*, That such by-laws and ordinances be not inconsistent with the Constitution and Laws of the United States or of this State; *And provided also*, That no by-laws or ordinances of said corporation shall take effect or be in force, until the same shall have been posted up at least ten days in one of the most public place in said town, and the certificate of the Recorder, entered upon the record of said Town Council, shall be deemed and taken to be sufficient evidence of such publication. General power of town council

SEC. 9. The Town Council shall, at the expiration of each and every year, cause to be made out and posted up as aforesaid, the receipts and expenditures of the preceding year. Receipts and expenditures posted annually

SEC. 10. The Town Council to regulate and improve the levees, streets and alleys, and determine the width of the side-walks in said town, to regulate the public grounds, to erect a new market house, and regulate the markets, to remove all nuisances and obstructions from the streets and commons of said town, and to do all things which similar corporations have power to do in order to provide for and secure health, cleanliness and good order in said town. Powers of council to regulate and improve streets &c

Corporation tax—limit of

SEC. 11. For the purpose of more effectually enabling the said Town Council to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes, upon the property within the limits of said corporation, made taxable by the laws of this State, so that said tax shall not exceed, in any one year, five mills on the dollar of valuation, as the same may be found on the books of the County Commissioners of the county within which said town may be located at the time of assessing said tax. The town shall also have power, if authorized by a majority of all the electors in said town, at any meeting called for that purpose, to levy an additional tax as above specified, sufficient to organize and establish a fire company, and purchase an engine, hose and other necessary apparatus for the extinguishment of fires in said town, public notice of which meeting, and the object thereof, shall be given by posting up written or printed notice thereof, in at least three of the most public places in said town, ten days before the time of said meeting.

Collection of tax—how made

SEC. 12. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes, charging each individual owning property in said corporation with the amount assessed on each item of property, as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Recorder, and one copy thereof shall be placed in the hands of the Marshal, or such other person as may be appointed Collector, whose duty it shall be to collect the tax, in the same manner, and under the same regulations as other county taxes are collected; and the said Marshal, or other person as shall be appointed Collector, shall, immediately after collecting said tax, pay the same over to the Treasurer of said corporation, and take his receipt therefor, and the said Marshal, or other Collector, shall have the same power to sell, both real or personal property, for the non-payment of the corporation taxes, as is given to the County Collector; and when necessary, the Recorder shall have power to make deeds in the same manner that Sheriffs do, and the Marshal, or other Collector, shall receive for his fees such sum as the Town Council may direct, not exceeding six per centum on all moneys so by him collected, to be paid by the Treasurer on the order of the Recorder.

Delivery of books to successors

SEC. 13. The President, Recorder, or other officers of said corporation, shall on demand deliver to their successors in office all such books and other property as appertain in anywise to said corporation.

Town council to pre-empt town site

SEC. 14. It shall be the duty of the Common Council of said town, to enter so much land within the corporate limits of said town as can be entered under the provisions of an Act of Congress, entitled "An Act for the relief of citizens of towns upon the lands of the United States, under certain circumstances," approved May 23, 1844.

Town council to deed lots to original claimants

SEC. 15. It shall be the duty of said Town Council, as soon as the title to said lands shall be obtained, under the provisions of said Act of Congress aforesaid, to ascertain the number of persons entitled to lots, squares or blocks within the said town, who may have a valid right, either by an original claim or by transfer from any person or persons having made an original claim to said lands, and to deed, under the hand of the President, attested by the Recorder, and sealed with the seal of said corporation, to every such person entitled as aforesaid, the lots, blocks or squares of land to which every such person may be entitled as aforesaid. *Provided*, That no street or alley shall be so deeded; and *provided* also, that any person or persons to whom lots, blocks or squares shall be deeded as aforesaid, shall previously have paid to the Treasurer or Recorder of said town, at the rate of two dollars per acre for all lots, blocks or squares so deeded, together with a reasonable amount to be paid to the Attorney or other person who shall prepare said deeds as aforesaid.

Officers of town council

SEC. 16. Aurelius F. De LaVergne, shall hold the office of President, Ira Myrick, shall hold the office of Recorder, and Kortuna K. Peck, Samuel Wise, Romsom Bigelow, shall hold the office of Trustees, until the time appointed for the first election, and until others shall be elected or appointed, and qualified as prescribed by law.

SEC. 17. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June seventeenth, one thousand eight hundred and fifty-eight. HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 17, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXCI.

An Act legalizing the Acts of the late County Commissioners of Houston, Brown, Stearns and Chisago Counties in relation to Township Organization.

SECTION 1. Acts of the Commissioners legalized in relation to the organization in the counties named.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That in all cases where the late County Com-

Acts of commissioners legalized

missioners of Houston, Brown, Stearns and Chisago Counties have commenced to set off their county into townships, according to the Act in relation thereto, approved March twenty, eighteen hundred and fifty-eight, and have proceeded to carry out the provisions of said Act, notwithstanding the acts of said Commissioners may not have been in strict conformity with the general township law, said acts are hereby declared to be legal and valid, and the several township officers elected at those times, and the legal voters of the several townships in said county are hereby authorized and empowered to complete their township organization at once, and all fractional townships that may have been attached to whole townships, shall be governed by the officers of said whole townships until the next election, and they may appoint such officers in said fractional townships as may be necessary to a complete township organization, and they may perform such other duties as they may deem necessary for the assessment and collection of taxes, and the repairs, alteration or formation of new wards, in their several fractional or whole townships.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight. HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXCII.

An Act to authorize the County of Meeker to borrow money to build County Buildings.

SECTION 1. Supervisors authorized to borrow money for erection of County Buildings.
2. Bonds to be paid within nine years—limit to rate of interest.
3. Issue of Bonds left to a vote of the people of the County.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Board of County Supervisors for the

hereby authorized and empowered to issue bonds of said city to an amount not exceeding twenty thousand dollars, bearing interest not to exceed ten per cent. per annum, and for a time not less than twenty years, which bonds so issued shall not be sold at less than par, and shall be for the sole purpose of raising money to be expended in constructing a levee at some point to be hereafter determined by the said City Council, between the north line of block number eighteen, and the south-eastern extremity of block number twenty-eight, of said city, as the same was surveyed and platted by Harvey Wilson, Esq., surveyor, and filed in the office of the Register of Deeds in and for the County of Washington, Minnesota, on the twelfth day of September, A. D. eighteen hundred and forty-eight, and in erecting and constructing a City Hall for the use of said City of Stillwater. Authority to issue bonds

SEC. 2. The bonds issued under and by virtue of this Act, shall be signed by the Mayor of said city, and countersigned by the Recorder, under the corporate seal of said city, and shall be in sums of not less than one hundred dollars each, with interest payable semi-annually, at such place as the City Council may determine. Manner of signatures to bonds

SEC. 3. The City Council may, at any regular meeting, direct by resolution, the Mayor to sign, and the Recorder to countersign, the whole amount of bonds authorized to be issued by this Act, or such a part thereof as the City Council may determine, and the City Council may authorize or employ a suitable person to negotiate the bonds so directed to be issued, and to place the proceeds in the Treasury of said city; but before such person shall receive said bonds or be entrusted with them for negotiation, he shall execute his bond to the city with good and sufficient security in the penal sum of double the amount of the bonds so to be entrusted to him at any one time conditioned for the faithful performance of his duties, and strict accountability for all moneys received by him from the sale of said city bonds, which bonds shall be approved by the City Council, and filed with the Treasurer of said city. The City Council shall fix, by resolution, the compensation of such person; *Provided, however*, He shall not receive, including all expenses, to exceed one per cent. on the amount of city bonds negotiated by him. Manner of issuing—conditions of bonds

SEC. 4. It shall not be lawful for the City Council of said city to pay out or expend in any way the money raised by the city from the sale of said bonds, except in the manner, and for the purpose named in this Act; nor shall the funds thus raised be subject in any way to the payment of any claim against the said City of Stillwater, except as herein provided. Improper use of funds

SEC. 5. To secure the punctual payment of the interest and principal of the bonds provided for in this Act, all re-

CHAPTER CXCIII.

An Act to Locate a State Road from La Crescent to a point near David Coopers.

SECTION 1. Appointment of Commissioners to lay out road.
2. First meeting of Commissioners.
3. Expenses to be paid by counties through which road passes.
4. Commissioners to decide upon the proportion of expenses to be paid by counties.
5. Plat of road to be recorded.
6. Power to appoint substitutes in Board of Commissioners.

Be it enacted by the Legislature of the State of Minnesota:

Appointment of commissioners

SECTION 1. That Henry T. Fox, Richard Farral and James Steward, be, and are hereby appointed Commissioners to lay out, mark and establish a State Road commencing at the town of La Crescent, running thence up the Valley of Pine Creek, and to intersect the territorial road at some point near Centerville.

First meeting

SEC. 2. The said Commissioners, or a majority of them, shall meet at the office of H. T. Fox, in the town of La Crescent, County of Houston, on the third Monday of July next, and proceed to survey and establish said road according to the provisions of Section first in this Act.

Expenses how paid

SEC. 3. The expense of laying out and surveying said road shall be paid by the counties through which said road may pass.

Expenses by whom paid

SEC. 4. The Commissioners shall decide the proportion and amount of said expense to be paid by said counties through which said road may pass, and notify the Board of Supervisors of each of said counties of the same.

Plat to be recorded

SEC. 5. The above named Commissioners shall cause to be deposited in the offices of the Registers of Deeds of the counties through which said road may pass, a copy of the survey of the same.

Power to appoint substitutes

SEC. 6. In the event either of the said Commissioners shall be unable to perform the duties assigned him in this Act, he shall have power to appoint a substitute, and it shall be his duty to notify the other Commissioners of such substitution.

SEC. 7. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THOMAS COWAN,
President *pro tem.* of the Senate.

APPROVED—June twenty-third, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim*.

SECRETARY' OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXCIV.

An Act to Incorporate the Town of Belmont.

SECTION 1. Boundaries of the Town.
2. First Town Officers.
3. Annual Elections for Town Officers.
4. Corporate powers of Town officers.
5. Record of Council proceedings.
6. Vacancies, how filled.
7. Powers of the Town Council.
8. Corporation tax, authority to assess.
9. Collection of Taxes, how made.
10. Delivery of books and papers to successors.
11. Pre emption of land in town site to be made by Town Council.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained in the town of Belmont, according to the survey and plat of said town, as made by C. C. Mead, for the proprietors of Belmont, and situated in the county of Jackson, and State of Minnesota, shall be a town corporate by the name of Belmont. Boundaries of the town

SEC. 2. That for the good order and improvement of said town, Josuah Dyen, is hereby appointed President, S. B. Westcott, D. P. Cornell, George A. Bardwell, and Frederic Noble, be and are hereby appointed Trustees, Charles G. Berry, Secretary, E. W. Northup, Attorney, and S. A. Farrington, Treasurer, and Geo. E. Leary, Marshal. The President, Trustees and Secretary shall constitute the Council of said town. First town officers

SEC. 3. The male inhabitants of said town, being qualified voters, may at any election for State and county officers, and once a year thereafter, elect successors to the aforesaid offices, who shall enter upon the duties of their offices on the first Wednesday in January, and shall before entering on Annual elections

the duties of such offices, take an oath to support the Constitution of the United States, as well as an oath of office.

Corporate powers

SEC. 4. The President, Trustees and Secretary of said town shall be and are hereby created a body corporate and politic, with perpetual successors, to be known by the name and title of the Town of Belmont, and shall be capable in law, by the corporate name aforesaid, to acquire, hold and convey property real and personal for the use of said town. They may have a common seal, and may alter and renew the same at pleasure, may sue and be sued, plead and be impleaded, defend and be defended in all courts of law and equity; and when any suit shall be commenced against said town, the first process shall be served by attested copy thereof with the Secretary, at his usual place of residence, at least twenty days previous to the return day of such process. The officers of said town shall have a right of action against all trespasses on the property of said town; and any person trespassing upon any lands within the limits of said town, or occupying said lands without a conveyance from the proprietors of said town, or their trustees, agents or assignees, shall forfeit all improvements he may make on such lands, and shall be liable to pay damages to twice the amount of actual injustice done to said lands.

Record of proceedings

SEC. 5. The President, and in his absence, the Secretary shall attend to all meetings of the said Council and make a fair and accurate record of their proceedings and of the by-laws, rules and ordinances made or passed by said Council and the same shall be open for the inspection of the electors of said town; but in the absence of the Secretary the Trustees shall appoint one of their own body Secretary *pro tem.*

Vacancies how filled

SEC. 6. The said Town Council shall have power to fill all vacancies which may occur in said Board, from the householders of said town, who shall hold their appointment until their successors shall be elected and qualified; and in the absence of the President and Secretary from any meeting of the Town Council, the Trustees shall have power to appoint any two of their number to perform the duties of President and Secretary for the time being.

Powers of the town council

SEC. 7. The Town Council aforesaid, shall have power to make, and ordain and establish by-laws and ordinances for the government of said town, *Provided*, That no such by-laws and ordinances shall conflict with the laws of the United States or of this State; and to fix fines and penalties for the violation of such by-laws and ordinances, to provide for the election of suitable subordinate officers of said town, and fix the compensation of said officers; to regulate and improve the levees, piers, streets and alleys, determine the width of side-walks in said town, to regulate public grounds, to remove all nuisances and obstructions on the streets, and the public grounds of said town, and to do all things which similar cor-

porations have power to do in order to provide for the health, security and good order of said town.

Tax—authority to assess

SEC. 8. For the purpose of enabling the said Council to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes, on all taxable property within the limits of said corporation, which tax shall not exceed in any case, one cent on the dollar valuation, as the same may be found on the books of the Commissioners of the county in which said town may be located, at the time of assessing such tax.

Collection of taxes how made

SEC. 9. When any tax is levied, it shall be the duty of the Secretary to make out a duplicate of the taxes assessed against each individual, and on each item of property, which duplicate shall be certified by the President and Secretary, and one copy placed in the hands of the Marshal, whose duty it shall be to collect such tax, in the same manner and under the same regulations as county taxes are collected in this State; and the said Marshal, shall immediately after collecting said tax pay the same to the Treasurer of said corporation, and take his receipt therefor; and said Marshal shall have power to sell property both real and personal, in the same manner and under the same regulations as the collector of county taxes, for the non-payment of said corporation tax; and when necessary, the Secretary shall have power to make deeds in the same manner as sheriffs do; and the Marshal shall receive for his fees such sum as the Town Council may direct, not to exceed six per cent. of the taxes by him collected.

Delivery of books &c to successors

SEC. 10. The President, Secretary and other officers of said town shall, on demand, deliver to their successors in office all books, papers and other property belonging to said town.

Pre-emption of land in town site

SEC. 11. It shall be the duty of said Council of said town, to apply for a pre-emption of the land within the limits of said town, not exceeding three hundred and twenty acres, under the provisions of an Act of Congress, entitled An Act for the relief of citizens of towns upon lands of the United States, under certain circumstances, approved May 23, 1844; and as soon as the title of said land shall be obtained aforesaid, to ascertain the persons entitled to the various lots and blocks within said town, who may have a valid right to the same, either by original claim, or by transfer by the person having made such original claim, and to deed under the hand of the President and Secretary, and sealed with the seal of said corporation, to such persons so entitled, the lots or blocks to which such person may be entitled; *Provided*, That no street or alley, or other public ground shall be so deeded, *And Provided also*, That every person or persons to whom such lots or blocks shall be deeded as aforesaid, shall first pay to the Treasurer or Secretary of said town, for such lots

or blocks the costs of entry, and incidental expenses of the same.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXCV.

An Act to authorize a Re-survey of the town of Manannah.

SECTION 1. Resurvey of the town of Manannah authorized.

Be it enacted by the Legislature of the State of Minnesota:

Re-survey of the town

SECTION 1. That it shall be lawful for the town company of Manannah to have said town re-surveyed and platted; and shall file a plat of said re-survey with the Register of Deeds of Meeker County, and have it recorded according to law.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXCVI.

An Act to locate and establish a State Road from Taylors Falls to Sauk Rapids.

SECTION 1. Appointment of Commissioners to lay out State Road from Taylor's Falls to Sauk Rapids.
2. Meeting of Commissioners.
3. Draft and location of Road to be deposited with Board of County Supervisors.
4. Power of Commissioners to appoint substitutes.
5. Expenses of location paid by the counties through which the Road passes.
6. Per diem of Commissioners.

Be it enacted by the Legislature of the State of Minnesota:

Appointment of commissioners

SECTION 1. That Ephraim C. Ingalls, William W. Payne, and Albert Damon, be and are hereby appointed, Commissioners to lay out, mark and establish a State Road, commencing at Taylor's Falls, thence running on the county road to where said county road terminates on the bank of Sunrise River in town thirty-five (35), range twenty (20), thence via Washington, in Chisago county, Cambridge, in Isanti county, Princeton, in Monroe county, to Sauk Rapids, in Benton county, said road to be located on the most direct and feasible route from town to town as designated in this Section.

Meeting of commissioners

SEC. 2. The commissioners shall meet at such place and time as the majority may agree upon, by giving ten days notice thereof to the other commissioners.

Draft of road to be deposited

SEC. 3. The commissioners shall proceed to survey and establish said road according to Section one (1) of this Act, and shall complete the same, and file a plat of said road in the office of the Register of Deeds of the organized counties through which the road is located, within one year from the passage of this Act. The said plat, before being filed as aforesaid, shall be signed by at least two of the said commissioners, whose certificate shall be legal evidence of the establishment of said road.

Power to appoint substitutes

SEC. 4. If either of said commissioners shall fail to, or be unable to perform the duties assigned, it shall be the duty of the other commissioners to appoint substitutes in their stead.

Expenses how paid

SEC. 5. The expense incurred in the survey and location of said road, shall be paid by the counties through which the same may pass. *Provided*, That each county shall pay the expense incurred within its own limits.

Per diem

SEC. 6. The commissioners shall be paid two dollars per

day, for the actual service performed in surveying and establishing said road.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 22, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXCVII.

An Act to legalize the qualifications of Officers and Ministers of McLeod County.

SECTION 1. Acts of County Officers and Ministers of McLeod county legalized.

Be it enacted by the Legislature of the State of Minnesota:

Acts of county officers and ministers legalized

SECTION 1. That the official acts of said county and precinct officers, elected or appointed since the organization of the county, and also of Ministers or Clergymen, done, performed, or exercised in accordance with the law made and provided for the regulation and action of officers, and of such Ministers or Clergymen, shall be valid and binding upon all persons whomsoever both in law and equity, any non-compliance with the statutory details in the qualification of said officers or said Ministers or Clergymen notwithstanding.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXCVIII.

An Act to Incorporate the Town of Mansfield.

SECTION 1. Boundaries of the town.
2. Corporate authorities of the town—how chosen.
3. Town site to be entered at Land Office.
4. Deeds of lots to persons entitled to be given by Common Council.
5. Record of survey to be filed with Register of Deeds.
6. First President of the Town—his duties.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained in the town site of Mansfield, as surveyed by —— Hopkins, be, and the same is hereby created a town corporate by the name of Mansfield, with all the powers, privileges and responsibilities usually enjoyed by municipal corporations. Boundaries of the town

SEC. 2. That the corporate authorities of said town shall be a President and Common Council, which shall be known as the President and Common Council of Mansfield; that for the good order and government of said town, it shall be lawful for the President thereof, on or before the first day of June, A. D. eighteen hundred and fifty-nine, to appoint not less than three discreet persons as the "Common Council," who shall serve until their successors be chosen and qualfied, and who, with the consent of the President, shall have full power and authority to make and establish all needful rules and regulations for the government of said town corporate. Corporate authorities—how chosen

SEC. 3. It shall be the duty of the President, with the consent of the Council of said town corporate, to enter so much land within the corporate limits of said town as can be entered under the provisions of the Act of Congress, entitled "An Act for the relief of citizens of towns upon lands of the United States under certain circumstances," approved May twenty-three, eighteen hundred and forty-four. Town site to be entered

SEC. 4. It shall be the duty of the Common Council [of said town,] as soon as the title to said lands shall be obtained, pursuant to the third Section of this Act, to ascertain the number of persons entitled legally or equitably to lots or squares within the said town, and to deed under the hand of the President, and seal of the corporation, to every such person entitled as aforesaid, the lots or squares of land to which every such person may be entitled as aforesaid; *Provided*, That any person or persons to whom lots or squares shall be so deeded, shall previously have paid the sum of one dollar for each deed and acknowledgement, so required to be made. Deeds of lots to be given

Record of survey filed

SEC. 5. It shall be the duty of the President and Common Council to cause a plat of the survey of said town, to be recorded in the office of the Register of Deeds of the county wherein said town is located, in conformity with the provisions of the statutes authorizing the record of town plats in this State.

First President his duties

SEC. 6. That David H. Smith shall be the first President of said town corporate, and shall serve from and after the date of this Act, until his successor shall be chosen and qualified, under such rules and regulations as the Common Council, with the consent of the President, shall establish; and in the event of any vacancy, if of the President, the Common Council may fill the same; and if the Common Council, the same shall be filled by the President of the said town corporate.

SEC. 7. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June the seventeenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 17, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CXCIX.

An Act to authorize the City Council of the City of Stillwater to issue its Bonds, to build out, and construct a Levee in front of blocks Nos. 18, 27 *and* 28 *in said city, and to erect and construct a City Hall.*

SECTION 1. Authority to the Common Council to issue Bonds for constructing Levee.
2. Signatures to Bonds.
3. Manner of issuing, and conditions of Bonds.
4. Prohibition of improper use of Levee fund.
5. Provision to secure payment of interest and principal of Bonds.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. The City Council of the City of Stillwater is

hereby authorized and empowered to issue bonds of said city to an amount not exceeding twenty thousand dollars, bearing interest not to exceed ten per cent. per annum, and for a time not less than twenty years, which bonds so issued shall not be sold at less than par, and shall be for the sole purpose of raising money to be expended in constructing a levee at some point to be hereafter determined by the said City Council, between the north line of block number eighteen, and the south-eastern extremity of block number twenty-eight, of said city, as the same was surveyed and platted by Harvey Wilson, Esq., surveyor, and filed in the office of the Register of Deeds in and for the County of Washington, Minnesota, on the twelfth day of September, A. D. eighteen hundred and forty-eight, and in erecting and constructing a City Hall for the use of said City of Stillwater. Authority to issue bonds

Sec. 2. The bonds issued under and by virtue of this Act, shall be signed by the Mayor of said city, and countersigned by the Recorder, under the corporate seal of said city, and shall be in sums of not less than one hundred dollars each, with interest payable semi-annually, at such place as the City Council may determine. Manner of signatures to bonds

Sec. 3. The City Council may, at any regular meeting, direct by resolution, the Mayor to sign, and the Recorder to countersign, the whole amount of bonds authorized to be issued by this Act, or such a part thereof as the City Council may determine, and the City Council may authorize or employ a suitable person to negotiate the bonds so directed to be issued, and to place the proceeds in the Treasury of said city; but before such person shall receive said bonds or be entrusted with them for negotiation, he shall execute his bond to the city with good and sufficient security in the penal sum of double the amount of the bonds so to be entrusted to him at any one time conditioned for the faithful performance of his duties, and strict accountability for all moneys received by him from the sale of said city bonds, which bonds shall be approved by the City Council, and filed with the Treasurer of said city. The City Council shall fix, by resolution, the compensation of such person; *Provided, however*, He shall not receive, including all expenses, to exceed one per cent. on the amount of city bonds negotiated by him. Manner of issuing—conditions of bonds

Sec. 4. It shall not be lawful for the City Council of said city to pay out or expend in any way the money raised by the city from the sale of said bonds, except in the manner, and for the purpose named in this Act; nor shall the funds thus raised be subject in any way to the payment of any claim against the said City of Stillwater, except as herein provided. Improper use of funds

Sec. 5. To secure the punctual payment of the interest and principal of the bonds provided for in this Act, all re-

ceipts for wharfage shall be applied exclusively to the payment of such interest; *And provided further*, That if such receipts of wharfage shall exceed the amount necessary for the payment of the interest as aforesaid, the excess of receipts thus accruing shall be used in redeeming the bonds of the city issued by virtue of this Act, or invested in State or United States stocks, and shall constitute an inviolable sinking fund for the payment of the principal; *And provided further*, That in case such receipts for wharfage shall be insufficient to pay the interest accruing on the bonds so as aforesaid issued, together with an amount equal to one-twentieth of the amount of said bonds, then the City Council shall have power, and it shall be their duty to assess and collect an annual tax upon the personal property and real estate within the limits of said city sufficient to pay any deficiency in interest that may be due on such bonds, an amount to constitute a sinking fund equal to one-twentieth of the amount of said bonds so issued, which sum shall be invested in accordance with the provisions of this Bill.

Payment of interest and principal

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CC.

An Act to legalize three Roads from Wabashaw to Rochester.

SECTION 1. Locations of Roads from Wabashaw to Zumbro River; from Zumbro River to Centerville; from Centerville to South line of Wabashaw County, legalized.
2. Rights of persons affected by the legalization of the roads secured.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the location, survey and filing with the Register of Wabáshaw county by the road Commissioners of said county, of the three roads hereinafter described, be,

and they are hereby declared to be legal, and said roads are declared to be public roads, viz: The first one leading from the east end of Fourth street, in the city of Wabashaw, to the north bank of the Zumbro River, in section number twenty-two of township number one hundred and ten, north of range number ten west, the plat and survey of which was filed with the Register of Deeds of said county on the eighth day of April, A. D. eighteen hundred and fifty-eight. The second road leading from a point on the south bank of said Zumbro River, opposite the first road in the section, township and range above mentioned, thence by way of Cooks' Valley, to the town of Centerville, in said county; the plat and survey of which was filed with the Register of Deeds for said county on the seventh day of May, eighteen hundred and fifty-eight. The third road leading from Centerville, in said county, to the south line of said county, in section number thirty-three of township number one hundred and eight, north of range twelve west, the plat and survey of which was filed with the Register of Deeds for said county on the seventh day of May, A. D. eighteen hundred and fifty-eight. Location of roads legalized

SEC. 2. That all persons affected by the legalization of the three roads described in Section one of this Act, are hereby secured in all the rights and remedies at law they would have had if the plats had been filed with the Register of Deeds in said county within ten days of the survey thereof, as required by law. Rights of persons secured

SEC. 3. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the fourteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 14, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCI.

An Act to locate a State Road from St. Cloud to Olean.

SECTION 1. Commissioners named to lay out road.
2. Duties of the Commissioners.
3. Absence of Commissioners, others to be appointed.
4. Expenses to be paid by counties through which the road passes.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners

SECTION 1. That Phillip Beaupry, Winslow Libby and Wm. McNeal, are hereby appointed Commissioners to lay out and establish a State Road, commencing at St. Cloud, thence by the most direct and feasible route by way of Winnebago, to Olean.

Duties of commissioners

SEC. 2. The Commissioners shall meet at the Winnebago House, in Winnebago, on or before the first Tuesday in September next, or as soon thereafter as practicable, and proceed to lay out and establish said road, according to the provisions of Section one of this Act, and shall complete the same and file a plat of said road in the office of the Clerk of the Board of County Supervisors.

Power to appoint deputies

SEC. 3. If either of the above named Commissioners shall be unable to perform the duties assigned them, it shall be the duty of the other Commissioners to appoint others in their stead.

Expenses how paid

SEC. 4. The expenses incurred in the survey and location of said road, shall be paid by the counties through which said road may pass.

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
THO'S COWAN,
President *pro tem.* of the Senate.

APPROVED—July the seventh, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim.*

SECRETARY'S OFFICE, Minnesota, July 7, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCII.

An Act to authorize and empower the City of Hastings to issue Bonds for Railroad purposes.

SECTION 1. Authority to issue Bonds to build a branch Railroad.
2. Power to dispose of the Bonds.
3. Vote of the citizens to be taken upon the question of loaning the credit of the city.
5. Form of ballot.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That for the purpose of constructing a railroad from the City of Hastings, in the County of Dakota, in the State aforesaid, to a point of junction on the line of the Minneapolis and Cedar Valley Railroad, the Council of the said city shall have power to issue bonds under the corporate seal of the city, and the signatures of the Mayor and the City Clerk, to an amount not to exceed the sum of seventy-five thousand dollars ($75,000), to be issued in such denominations, and to be payable at such times and places as shall be by the said Council determined, and to bear interest at the rate of eight per cent per annum, payable semi-annually. Authority to issue bonds

SEC. 2. That the said Council shall have power to loan, pledge, hopothecate, negotiate, sell and dispose of, and in any other manner whatsover, to apply the said bonds for the purpose aforesaid. Power to dispose of bonds

SEC. 3. That before any issue of bonds by the City Council for the purpose aforesaid, the said Council shall, and are hereby empowered to, authorize by ordinance an election to be held by the qualified electors of the said city, to determine whether the credit of the said city shall be loaned for the purpose aforesaid. The said ordinance shall declare the aggregate amount of bonds to be issued—the time and place of payment of the same, and the day of the said election. Every such election shall be held at the places, and in the manner, and the inspection, counting and return of the votes thereat, shall likewise be made, in the manner provided by law for the annual election of the officers of the said city, and every elector qualified to vote at such annual election, shall be entitled to vote at each and every election herein provided for. Vote of citizens to be taken

SEC. 4. That on the ballot to be cast by the voters at every election, herein provided for, shall be written or printed the words, "For the Loan," or "Against the Loan," Form of ballot

and a majority of affirmative votes as aforesaid shall be held to authorize the loan of the credit of the city, for the purpose and in the manner in this Act declared.

SEC. 5. This Act shall be in force from the date of its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCIII.

An Act to amend an Act entitled "An Act to incorporate the town of Mantorville.

SECTION 1. Boundaries of the town.
2. Annual Town elections—when held.
3. Town elections—how conducted.
4. Elected officers to take oath of office.
5. Corporate powers of Town Officers.
6. Record of proceedings of Town Council.
7. Vacancies in Town Council, how filled.
8. Duties of the President.
9. Powers of the Town Council.
10. Receipts and expenditures to be posted annually.
11. Powers of Town Council enumerated.
12. Corporation tax, how levied.
13. Taxes, manner of collecting.
14. Delivery of books to successors.
15. Per diem of Town officers.
16. Repeal of former incorporation laws.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That so much land in the county of Dodge, State of Minnesota, contained in the south half of section sixteen, and north half of section seventeen, and north-east quarter of section twenty, and the south-east quarter of section seventeen, in town one hundred and seven, north of

range sixteen west, be, and the same is hereby created a town corporation by the name of Mantorville.

Annual elections

SEC. 2. That for the good order and government of said town, it shall be lawful for the male inhabitants thereof, having the qualification of electors of the Legislative Assembly of the State of Minnesota, to meet at the place of holding the last general election in the precinct of Mantorville, on the first Monday of April next, and at the same time annually thereafter, at such place in said town as the Town Council may direct, and then and there proceed by ballot to elect one President, one Recorder and three Trustees, being householders of said town, and having the qualifications of electors, as aforesaid, who shall hold their offices one year and until their successors shall be elected and qualified, shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties.

Elections how conducted

SEC. 3. At the said election the trustees, or any two of them, shall act as judges of election, and the recorder as clerk, and in case of inability or non-attendance of said officers to act as aforesaid, the vacancy shall be filled by an appointment made by those officers present. The polls shall be opened between the hours of ten and eleven o'clock in the forenoon, and close at four o'clock in the afternoon of said day; and at the close of the polls the votes shall be counted, and a true statement thereof proclaimed to the voters present, by one of the judges, and the clerk shall make true record thereof, and within five days thereafter he shall give notice in writing to the persons so elected of their election; and at least ten days before each and every election, to give notice of the same by posting notices in three of the most public places in said town.

Officers to take oath of office

SEC. 4. Each member of said Town Council shall, before entering upon the duties of his office, take an oath or affirmation to support the Constitution of the United States and of the State of Minnesota, and faithfully to discharge the duties of the office, and file the same with the said Recorder.

Powers of town council

SEC. 5. The President, Recorder and Trustees of said town shall be, and are hereby created a body corporate and politic, with perpetual succession, to be known and distinguished by the name and style of the "Town of Mantorville." They may have a common seal which they may alter at pleasure. They may sue and be sued, plead and be impleaded, defend and be defended, in all manner of actions, in all courts of law and equity; and when any suit shall be commenced against said corporation, the first process shall be served by an attested copy thereof, left with the Recorder at his usual place of residence.

SEC. 6. The President, and in his absence, the Recorder shall preside at all meetings of the Town Council; and the Recorder shall attend all meetings of the Town Council, and

Record of proceedings of council

make a fair and accurate record of all their proceedings, and of the by-laws, rules and ordinances made or passed by the Common Council aforesaid, and the same shall at all times be open for the inspection of the electors of said town; but in the absence or inability of the Recorder, the Trustees may appoint one of their number clerk, *pro tem.*

Vacancies how filled

SEC. 7. The Town Council shall have power to fill all vacancies which may happen in said board from the householders who are qualified voters of said town, who shall hold their appointment until the next annual election, and until successors shall be elected and qualified; and in the absence of both the President and Recorder the Trustees shall have the power to appoint any two of their number to perform the duties of President and Recorder for the time being.

Duties of President

SEC. 8. The President shall also keep the seal of said corporation, sign all commissions, licenses and permits which may be granted by the Common Council; he shall maintain peace and good order, and see that the ordinances of the town are observed and executed.

Powers of the town council

SEC. 9. The Town Council shall have power to provide for the appointment or election of a Treasurer, Town Marshal, and all the subordinate officers which they may think necessary for the good government and well being of said town; to prescribe their duties, and determine the period of their appointment, and the fees they shall be entitled to receive for their respective services, when the same is not otherwise provided for by this Act, and to require of them to take an oath of office previous to entering upon the duties of their respective offices, and shall further require of them a bond with security, conditioned for the faithful performance of the duties of their respective offices. The Town Council shall also have power to fix to the violation of the by-laws and ordinances of the corporation, reasonable fines and penalties: *Provided*, That no by-laws or ordinances of said corporation shall take effect or be in force until the same shall have been posted up in one of the most public places in said town or published in some newspaper in said town at least ten days, and the certificate of the Recorder entered upon the record of said Town Council, shall be deemed and taken to be sufficient evidence of such publication.

Receipts and expenditures posted annually

SEC. 10. The Town Council shall, at the expiration of each and every year, cause to be made out and posted up, as aforesaid, or published in some newspaper in said town the receipts and expenditures of the preceding year.

SEC. 11. The Town Council shall have power to enact, establish, publish, alter, modify, amend or repeal all such ordinances, rules, and by-laws for the government and good order of the town, for the suppression of vice, for the prevention of fires, and for the benefit of trade and commerce, and for the health thereof, as they may deem expedient, declaring and imposing penalties, and to enforce the same against any

person who may violate any of the provisions of such ordinances, rules and by-laws; and such ordinances, rules, and by-laws, are hereby declared to be, and to have the force of law: *Provided*, That they are not repugnant to the Constitution and Laws of the United States and of this State; and for those purposes shall have authority by ordinance or by-laws to organize fire companies, hook and ladder companies, to regulate their government, and the time and manner of their exercise, to provide all necessary apparatus for the extinguishment of fires, to require the owners of buildings to provide and keep suitable ladders and fire buckets, which are hereby declared to be appurtenances to the real estate, and exempt from seizure, distress, or sale, in any manner, and if the owner shall refuse to procure suitable ladders or fire buckets, after a reasonable notice, the Common Council may procure and deliver the same to him, and in default of payment therefor, may recover of the said owner the value of such ladders or fire-buckets or both, with costs of suit; to regulate the storage of gunpowder, and other dangerous materials; to direct the safe construction of a place for the deposit of ashes, to appoint one or more fire wardens; to enter into, at reasonable times, and examine all dwelling-houses, lots, yards, enclosures and buildings of every description in order to discover if any of them are in a dangerous condition, and to cause such as may be dangerous to be put in a safe condition; to regulate the manner of putting up stoves and stove pipes; to prevent fires and the use of fire-works and fire-arms within the limits of said town, or such part thereof as they may think proper; to compel the inhabitants of said village to aid in the extinguishment of fires, and to pull, break down and raze such building in the vicinity of the fire as shall be directed by the Common Council, or a majority of them, who may be at the fire, for the purpose of preventing its communication to other buildings, and generally to establish other measures of prudence for the prevention or extinguishment of fires, as they may deem proper.

Powers of town council enumerated

Second—To prevent, abate and remove nuisances and take such measures for the public health as they may deem proper, and compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer, butcher shop, or other unwholesome or nauseous houses or places, to cleanse, remove or abate the same from time to time, as often as it may be deemed necessary for the health, comfort and convenience of the inhabitants of the town.

Third—To license and regulate the exhibitions of common showmen, or shows of any kind, or the exhibition of any natural or artificial curiosities, caravans, circuses, or theatrical performances, under the ordinances or common law.

Fourth—To restrain and prohibit all descriptions of gam-

Powers of town council enumerated

ing and fraudulent devices and practices, and all playing of cards, dice, or other games of chance, for the purpose of gaming in said town.

Fifth—To prevent any riots, noise, disturbance or disorderly assemblages, suppress and restrain disorderly houses or groceries, or houses of ill-fame, shows and exhibitions.

Sixth—To direct the location and management of all slaughter-houses and markets.

Seventh—To prevent the encumbering the streets, sidewalks, alleys, or public grounds, with carriages, carts, wagons, sleighs, sleds, boxes, lumber, fire-wood, or other materials or substance whatever.

Eighth—To prevent horse-racing, immoderate driving, or riding in the streets within the limits of the town.

Ninth—To restrain the running at large of cattle, swine, sheep, horses, poultry and geese, and to authorize the distraining and sale of the same, or to impose a fine not exceeding five dollars for any such animal found so going at large in violation of the by-laws of the town.

Tenth—To prevent the running at large of dogs, and to authorize the destruction of the same in a summary manner, when at large contrary to the ordinances, or to impose a tax upon the same.

Eleventh—To prevent any person from bringing, depositing or having within said town, any putrid carcass or other unwholesome substance, and to require the removal of the same by any person who may have upon his premises any such substance, or any putrid or unsound beef, pork, fish, hides or skins of any kind, and in default to authorize the removal thereof by some competent officer, at the expense of such person or persons.

Twelfth—To establish and regulate boards of health, provide hospitals and cemetery grounds, regulate the burial of the dead, and the returns of the bills of mortality, and to exempt burial grounds set apart for public use from taxation.

Thirteenth—To prevent all persons from riding or driving any horse, mule, ox, cattle or other animal on the sidewalks in said town, or in any way doing damage to such sidewalks.

Fourteenth—To restrain drunkards, immoderate drinking, obscenity in the streets or public places, and provide for arresting, removing and banishing any person or persons who may be guilty of the same, and to regulate, restrict or prevent the sale of intoxicating drinks in said town.

Fifteenth—To protect trees and monuments in the town.

Sixteenth—To regulate and provide for the improvement, cleansing and grading of the streets and alleys of said town, under such rules and regulations as they may adopt.

Seventeenth—To cause the owners of all unoccupied lots in the town to set out and properly protect shade trees along the highways in front of said lots and in case the owners re-

fuse or neglect to comply with the same, the Council are authorized and empowered to cause the same to be done, and to collect a reasonable sum for the same in a civil action against the owners of said lots in the name of the town corporation.

Corporation tax—limit of

SEC. 12. For the purpose of more effectually enabling said Town Council to carry into effect the provisions of this Act, they are hereby authorized and empowered to assess a tax for corporation purposes, within the limits of said corporation, made taxable by the laws of this State, so that said tax shall not exceed in any one year, five mills on the dollar of valuation, as the same may be found on the books of the County Commissioners of the counties within which said town may be located at the time of assessing said tax. The town shall also have power, if authorized to do so by a majority of the electors of said town voting at such election, at any meeting called for that purpose, to levy an additional tax as above specified, sufficient to carry into effect any of the provisions of this Act, public notice of which meeting, and the object thereof, shall be given by posting a written or printed notice thereof in at least three of the most public places in said town, ten days before the time of such meeting, and by publishing a copy thereof in the newspaper or newspapers published in said town.

Tax how collected

SEC. 13. When any tax is levied, it shall be the duty of the Recorder to make out a duplicate of the taxes, charging each individual owning property in said corporation, with the amount assessed on each item of property as found on the books of the County Commissioners of said county, which duplicate shall be certified by the President and Recorder, and one copy thereof shall be placed in the hands of the Marshal, or such other person as shall be appointed collector, whose duty it shall be to collect said tax in the same manner and under the same regulations as other county taxes are collected, and the Marshal or such other person as may be appointed collector shall immediately after collecting said tax, pay the same over to the Treasurer of said corporation, taking his receipt therefor, and the said Marshal or other collector shall have the same power to sell both real and personal property for the non-payment of corporation taxes as is given to the County Collector, and when necessary the Recorder shall have power to make deeds, in the same manner that Sheriffs do ; and the Marshal or other collector shall receive for his fees such sum as the Town Council may direct, not exceeding six per centum so by him collected, to be paid by the Treasury on the order of the Recorder.

SEC. 14. It shall be the duty of said Town Council, as soon as the title to said lands can be obtained from the Government of the United States, to enter the same at the proper land office, agreeable to the laws of Congress, and the same

deed to the owners of the lots and blocks, agreeably to the Act passed by the Territorial Legislature, March third, 1858, under the hand of the President, and attested by the Recorder.

Delivery of books to successors

SEC. 15. The President, Recorder, or other officers of said corporation, shall, on demand, deliver to their successors in office all such books and other property as appertaining in any wise to said corporation.

Per diem

SEC. 16. It shall not be lawful for the officers of said corporation to receive for their services more than one dollar per day for the time necessarily employed in the performance of their duties, except that the President, when performing duties as Justice of the Peace, shall receive such compensation, [and from the same source] as is by law provided for similar services.

Repeal of former laws

SEC. 17. All laws heretofore passed for the incorporation of the said town of Mantorville, inconsistent with this Act, are hereby annulled and repealed.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August thirteenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 13, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCIV.

An Act to amend the Boundary line between Scott and Dakota Counties.

SECTION 1. Boundary line between Scott and Dakota Counties amended.
2. Repeal of conflicting Acts.
3. Change in lines to be submitted to the voters of the two Counties.

Be it enacted by the Legislature of the State of Minnesota:

Boundary line amended

SECTION 1. That the present boundary line between Scott and Dakota Counties, be amended as follows: Commencing at the south-west corner of section thirty-six, in township one hundred and thirteen, north of range twenty-one west; thence north on the section line to the south line of town-

ship twenty-seven, north of range twenty-four west; thence east on town line to the corner of sections thirty-three and thirty-four of said township twenty-seven, north of range twenty-four west; thence north on section line to the middle of the channel of the Minnesota River.

Repeal of conflicting acts

SEC. 2. All acts or parts of acts to the contrary are hereby repealed.

Change in lines to be submitted to vote

SEC. 3. This Act shall take effect, *Provided*, That a majority of the legal voters of Scott and Dakota Counties shall vote in favor of the same at the next general election, according to the provisions of the Constitution. And it is hereby made the duty of the Registers of Deeds in said counties to canvass and declare the result of said vote, and to send a copy of the same to the other county within fifty days thereafter.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June the eleventh, one thousand eight hundred and fifty eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCV.

An Act to amend "An Act to Incorporate the Minneapolis and Cedar Valley Railroad Company."

SECTION 1. Amendment to Chapter 166 of the Regular Session Laws of 1856, relating to change of location.
2. Amendment to Sec. 10 of said Chapter, relating to right of way and land damages.
3. Amendment to Sec. 11 of said Act relating to crossing and right of way in streets, &c., &c..

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section two (2) of an Act entitled "An Act to incorporate the Minneapolis and Cedar Valley Railroad Company," be and the same is hereby amended so as to read as follows:

Provides for a branch to Hastings upon certain conditions

SEC. 2. The said company is hereby authorized and empowered to locate, re-locate, alter, construct and re-construct a Railroad from the Iowa line, at or near the crossing of said line, by the Cedar River, through the valley of Straight River to Minneapolis, in the county of Hennepin, with a branch from some point on the line of said road to Hastings, in the county of Dakota, and in consideration of the powers, privileges and franchises in this Act, to the said company granted, extended or amended, the said company is hereby required to survey and locate within ninety days from the passage of this Act, the said branch, and within one year from the date aforesaid, to commence the construction of the same, and to complete, equip and put in operation the same, within four years from said date, and said company is further hereby required, within thirty days from said date, to notify the Governor of the State in writing under its corporate seal, of its acceptance of the powers, privileges and franchises by this Act conferred, together with the requirements aforesaid, and if the said company shall fail or neglect to comply with any or all of the said requirements, then each and every privilege, power and authority by this Act conferred, extended or amended, shall be void and of no effect: *Provided, nevertheless,* That whenever and as often as the said company shall have expended in the construction of the said branch the sum of ten thousand dollars ($10,000), the Council of the city of Hastings, aforesaid, shall deliver to the said company, the bonds of the said city equal to the sum aforesaid, to be applied to the further construction of said branch, until the amount of seventy thousand dollars ($70,000), shall have been delivered as aforesaid. And the said city shall be entitled to the certificates of shares in the capital stock of said company, equivalent to the amount of bonds from time to time delivered as aforesaid.

SEC. 2. Section ten (10) of said act is hereby repealed and the following Section substituted to wit:

Rights of the company to enter upon lands for right of way &c

SEC. 10. It shall and may be lawful for said company, their officers, engineers, agents and servants, to enter upon any land for the purpose of exploring, surveying and locating the route of said railroad, doing thereto no unnecessary damage; and when the said route shall be determined by said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, to enter upon, take possession and use such land, not exceeding two hundred feet in width along the line of said route, subject however, to the payment of such compensation as the company may agree to pay therefor, or as shall be ascertained in the manner hereinafter directed and provided in such cases, and said company are further authorized, by their officers, engineers, agents and servants to enter upon land adjacent to the railroad within or beyond the limits of two hundred feet, in the manner provided in this Act, when necessary for the pur-

pose of erecting depot buildings, station houses, and necessary fixtures for the operation and business of said road, and for the purpose of making drains, and giving proper direction to water-courses, across or along said road, and to remove all substances and things which may endanger, obstruct or interfere with the free use of said road, and to deposit gravel or earth, taken from deep cuts, and to obtain earth, gravel and other materials for embankments and structures necessary for the construction and repairs of said road, doing no unnecessary damage, and all lands so acquired, and all damage which may be done to any lands or property under the provisions of this Act, shall be ascertained and paid for in the manner, and agreeably to the provisions hereinafter provided, and when such damages shall have been paid for, or tendered, the title to the land so entered upon as aforesaid, shall vest in fee simple in said company. Whenever the line of said railroad or any part thereof shall be located, and its route determined, the said company may apply to the Supreme Court in session, or any Judge thereof in vacation, or the District Court of the district in which the required land is situated, in session, or the Judge thereof in vacation, for the appointment of three Commissioners to estimate the value of any and all lands which have not been, or shall not be granted or given to said company, and which are the private property of any person, and situated on or adjacent to the line of said Railroad, or any part thereof, and designated in such application, and which the said company shall have entered upon, possessed, occupied or used, or which it may thereafter enter upon, take, possess, occupy, or use for any of the purposes for which by this Act the said company is authorized to enter upon, take, possess, occupy or use lands, and also to estimate all damages which the owner or owners of said lands may have sustained, or shall sustain by reason of the taking of the same for the construction and use of said Railroad, or works appertaining thereto, deducting from such damages the benefits and advantages which said lands have received, or will receive from the construction of said road and works. The said company shall give notice of its intention to apply for the appointment of such Commissioners, by publishing the same at least ten days before the time of hearing such application, in at least one newspaper published in every county in which such land shall be; but in case no newspaper be published in any such county, then in a newspaper published in the city of St. Paul, and upon an affidavit of the publication of the same, the Court or Judge to whom the application shall be made, shall appoint three Commissioners who shall have cognizance of all cases, on or adjacent to the line or route of said Railroad or any division or part thereof, which shall be designated by said company in such application. In case either of said Commissioners shall die, resign or decline to act, another Commissioner shall be appointed in his stead

Rights of the company to enter upon lands for right of way &c

Appointment of commissioners authorized to assess damages

Duties of the commissioners with reference to assessing damages

in like manner, and on like notice as aforesaid. The said Commissioners may as the exigencies of any case, or the convenience of the parties, or of themselves may require, adjourn from time time to time, and to such place as they may deem advisable. No proceedings shall be had by the said Commissioners, unless two-thirds of them be present, except to adjourn; but all questions coming before them shall be decided by a majority, and a report of a majority shall be valid. Said Commissioners shall proceed to examine the premises in each case separately, having first given such notice as they may deem reasonable to the owner of such lands, or the guardian or husband of such owner, and at least five days notice to such owner, guardian or husband, resident in the county, and whenever it shall appear to said company or its officers, that the title of such land is in dispute, or that several parties claim interest therein by tax sales, tax titles, incumbrances, liens or equitable claims, the said Commissioners shall, upon request of said company, or its officers or agents, give notice to all persons claiming any interest in said land, whether as owners, incumbrancers or otherwise, and where the person so to be notified has no known residence in this State, within the knowledge of such Commissioners, the notice may be by publication in a newspaper for such length of time as the Commissioners shall deem reasonable, and after making such examination, the said Commissioners or a majority of them shall in each case make a separate appraisement, and award of the value of the lands so entered upon, taken, possessed, occupied or used by said company, for any of the purposes aforesaid, at the time when the same was so entered upon and taken, and of the damages aforesaid, and shall deliver one copy of their award in each case to said company, and shall file another in the office of the Clerk of the District Court of the county in which such lands may lie, or of the county to which such county shall be attached for judicial purposes, with the cost of the award taxed upon each of said copies, and if neither party shall appeal from said award in the manner hereinafter provided, the said District Court, on motion of the party in whose favor the award shall be made, for such value and damages as aforesaid, (unless such award shall have been previously paid), shall enter up judgment in conformity with such award, and the said company or any party interested receiving notice from said Commissioners as aforesaid, may (within thirty days after such award shall have been filed with the Clerk as aforesaid), appeal from the same to the District Court for the county where such award shall be filed, by filing with the Clerk of said Court, a written notice of such appeal, and upon receiving such notice, the Clerk shall enter the appeal as a case, upon the docket of said Court, setting down the owner or owners, and person or persons claiming any interest in said lands, embracing all persons so having received such notice from such Commis-

Proceeding in case of appeal from award of commissioners

sioners, as plaintiffs, and the said company as defendants, and said Court shall proceed to hear and determine such case, in the same manner that other cases are heard and determined in such Court, and all issues of fact arising therein shall be tried by a jury, unless a jury be expressly waived by both parties, but the appellants shall not be entitled to have the case tried at any term of said Court, unless he or they shall have given notice to the appellees or their attorney, at least ten days before the first day of the term, that they will demand a trial at such term, but in case the appellee has no known residence in this State, or attorney of record residing therein, no such notice need be given, but in all such cases the appellee may waive such notice, in which case the same rule for trial shall be applicable as to other cases in said Court. After the hearing of such case, the jury, or if the jury be waived, the Court shall assess the value of the lands so entered upon, taken, possessed, occupied and used by the said company, at the time when the same was entered upon and taken, together with the damages as aforesaid, deducting from such damages the benefits and advantages which such lands have received, or will receive from the construction of said road and works, and after such assessment the Court shall proceed to render judgment against said company, for the amount of said assessment in favor of the Plaintiff or Plaintiffs, and if such amount shall exceed the amount awarded by said Commissioners, with interest at the rate of twelve per cent. per annum from the time of such award until the time of assessment by the jury or Court, then judgment shall be rendered against said company for costs, and when the appeal shall be taken by the claimant, and it shall not exceed such amount and interest as aforesaid, then judgment shall be rendered in favor of said company for costs, and against the said Plaintiff or Plaintiffs, and execution may issue accordingly. Said company shall not be delayed in the construction of their road by any appeal, but may proceed immediately with such construction, on paying into the office of the Clerk of the Court in which the appeal is taken the amount of money awarded to the owner or owners of the lands to which the appeal relates.

Proceeding in case of appeal from awards of commissioners

Whenever the Commissioners shall make an award as aforesaid, and no appeal shall be taken from the same, or whenever in case of appeal a final judgment shall be rendered, it shall be the duty of the company, and not before, to pay to the party entitled to the same the amount of said award or judgment, and in any case when there shall be any lien, incumbrance, tax sale, tax title, or equitable claim to or upon the land or any part thereof, which is the subject matter of such award or judgment, or when more than one person shall be entitled to, or shall set up any claim to the amount of such award or judgment, or any part of it, or when the person entitled to receive the same shall be un-

Upon award of damages company to deposit amount subject to order of claimant

known, or shall refuse to receive the amount of the award, or shall not have any known residence within this State, the said company may deposit the amount of such award, when there is no appeal, with the Clerk of the Court, with whom the award in the case shall have been filed, and in case of an appeal, and judgment thereon, the company may deposit the amount of such judgment with the Clerk of the Court in which such judgment shall have been rendered, and the money so deposited in either case, shall be paid over by the order of the Court to the person or persons who shall be adjudged by the Court to be entitled to receive the same; and whenever the amount of such award or judgment shall have been paid, or tendered, or deposited as aforesaid, an absolute estate in fee simple in such lands shall be, and become vested in said company, as against all persons so receiving notice from the said Commissioners as aforesaid, and all such persons so having received such notice, shall be forever concluded from questioning such titles so acquired by the said company, and the said company, shall have full power and authority, after entering upon and taking such lands, to have, hold, possess, use, occupy and enjoy the same, for any of the lawful purposes of said company from the time of such entry and taking, until the proceedings contemplated by this Act shall have been finally determined, and until said company shall have refused (after demand made,) to pay the value of said land, and the damages, so ascertained as aforesaid, they shall not during such time, and until such refusal be disturbed in possession, occupancy, use or enjoyment by any proceedings either in law or equity. Said Commissioners shall receive three dollars a day for their services, and ten cents a mile for actual travel; *It is further provided*, That said company may, before the time of a hearing in any case by the Commissioners, tender to the person or persons entitled to receive the same, such amount as they may deem reasonable, as compensation for the value of the land and damages as aforesaid estimated, with a deduction as aforesaid, and if such tender shall not be received, then the costs of all subsequent proceedings (in case the award or judgment exclusive of costs does not exceed the amount so tendered) shall be chargeable upon the person or persons aforesaid.

Company may tender amount of damages before hearing by commissioners

SEC. 3. Section eleven (11), of said Act is hereby amended so as to read as follows:

SEC. 11. The said company shall have the right and authority to construct their said railroad upon and along, across, under, or over any public or private highway, square, road, street, alley, plank road, or railroad, if the same shall be necessary; but the said company shall put such highway, square, road, street, alley, plank road, or railroad in such condition as not to prevent its proper use, and the said company shall have the right and authority to erect and main-

Right of way upon streets &c and to cross the same

tain all the necessary bridges for the use of their said railroad, over any stream of water, water courses or lakes at such points of crossing the same, as they may locate the said road, with all necessary abutments, piers or other foundations.

SEC. 4. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August eleventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August, 11, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCVI.

An Act to Legalize the Record of the Town of Richmond.

SECTION 1. Survey and plat of town legalized.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That survey and plat of the town of Richmond, in the county of Stearns, as recorded in the office of Register of Deeds in the year A. D. 1857, be and the same is hereby legalized, and all records made prior to A. D. 1857, are declared to be void. Survey and plat of town legalized

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CCVII.

An Act to amend an Act entitled "An Act to Incorporate the Winona Ferry," Approved March 6th 1857.

SECTION 1. Requires Winona Ferry Company to organize within three months.

Be it enacted by the Legislature of the State of Minnesota:

Winona ferry company to organize

SECTION 1. That Section five of an Act entitled "An Act to incorporate the Winona Ferry," approved March sixth, one thousand eight hundred and fifty-seven, be and the same is hereby amended so as to read as follows:

SEC. 5. That if said corporation shall not organize within three months after the passage of this Act, and be in readiness with a good and sufficient boat or boats to perform their duties as herein required, on or before the first day of July, A. D. 1860, then this Act shall be void.

GEORGE BRADLEY,
Speaker *pro tem* .of the House of Representatives.

RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-sixth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 26, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CCVIII.

An Act to incorporate the Town of Acton.

SECTION 1. Boundaries of the Town.
2. Annual Town Elections, when held.
3. Town elections, how conducted.
4. Corporate powers of Town officers.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land as is contained in the north half of section twenty-nine (29), township one hundred and nineteen (119), north of range thirty-two (32) west, and being in the county of Meeker, containing three hundred and twenty (320) acres, be and the same is hereby created a town corporate by the name of Acton, and shall have and enjoy all the powers, privileges and responsibilities usually enjoyed by municipal corporations. Boundaries

SEC. 2. That for the good order and government of said town, it shall be lawful for the qualified voters of said town to meet on the first Wednesday of April next, and at the same time annually thereafter, at such place in said town as the Town Council hereinafter appointed, or any three of them may direct, and then and there proceed to elect by ballot, one President and one Secretary, and three Trustees, qualified voters in said town, who shall hold their offices one year, or until their successors are duly elected and qualified, and such President, Secretary and Trustees being so elected and qualified shall constitute the Town Council of said Town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties, and for the purpose of entering said town site and acquiring the title thereto, Joseph W. Putnam, is hereby appointed President, and Peter Richie, Secretary, and Halden Putnam, John Richie, J. R. Robinson, Trustees of said town, and they shall constitute said Town Council until their successors are elected as herein provided, with all the powers and duties of the same. Town elections when held

SEC. 3. At the first election to be held under this Act, there shall be chosen by the electors present at the time for opening the polls on the day for holding said first election, two Judges and a Clerk of said election, who shall take an oath or affirmation, faithfully to discharge the duties required of them by this Act, and at all subsequent elections, the Trustees or any two of them shall act as Judges, and the Secretary, or in his absence some person to be appointed by the Judges shall be Clerk. The polls shall be opened between Town elections how conducted.

the hours of ten and eleven in the forenoon, and closed at four in the afternoon of said day; and at the close of the polls, the votes shall be counted and a true statement thereof proclaimed to the voters present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of said Town Council, at least ten days before each and every election, to give notice of the same by putting up notices at three of the most public places in said town.

Powers of town officers

SEC. 4. The President and Trustees of said town are hereby created a body politic and corporate, with perpetual succession, to be known and designated by the name of the town of Acton, and shall possess all the rights and be subject to all the liabilities usually belonging to municipal corporations.

SEC. 5. This Act to take effect from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CCIX.

An Act to locate and establish a State Road from St. Joseph in Stearns County, via Richmond to Long Prairie in Todd County.

SECTION 1. Appointment of Commissioners to lay out State Road.
2. Meeting of Commissioners, and draft of location of Road to be deposited with Register of Deeds.
3. Power of Commissioners to appoint substitutes.
4. Expenses of location of Road paid by the counties through which the road passes.

Be it enacted by the Legislature of the State of Minnesota:

Commissioners appointed

SECTION 1. That Everette Abbott, Samuel M. Bruce, and Samuel Wakefield, be and are hereby appointed Commissioners to locate and mark a State Road, commencing at St.

Joseph in Stearns County, via Richmond to Long Prairie in Todd County.

Meeting of commissioners

SEC. 2. The Commissioners so appointed, shall meet at St. Joseph, on the second Monday of May, or at such other time as they may agree upon, and proceed to survey, locate and establish said road in accordance with Section first of this Act, and shall complete the same and file a plat of said road in the office of the Register of Deeds of each of the counties through which said road is located, within six months next after the date of the passage of this Act. The said Commissioners are hereby authorized and empowered to procure a competent surveyor at an expense of not more than three dollars per day; and one axe-man and two chain-men, at an expense of not more than one dollar and fifty cents per day each. The said plat, before being filed as aforesaid, shall be certified to by the surveyor and at least two of said Commissioners, which certificate shall be legal evidence of the location of said road.

Draft of road to be deposited

Power to appoint substitutes

SEC. 3. If either of the Commissioners shall, from any cause be unable to perform the duties herein assigned him, it shall be the duty of the others to appoint a substitute.

Expenses how paid

SEC. 4. The expense incurred in the location and survey of said road shall be paid by the counties through which the same may pass.

SEC. 5. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight. CHAS. L. CHASE, Acting Governor.

SECRETARY' OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CCX.

An Act to amend an Act entitled An Act to Incorporate the Mississippi River Improvement and Manufacturing Company, approved March 4, 1857.

SECTION 1, Time of commencement of work extended.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the time mentioned and specified in Sec-

Time extended

tion 10, of said Act, for commencing the work within one year, be and the same is hereby extended to two years from the passage of said Act, and the time for the completion of the same be and the same is hereby extended to four years from the passage of said Act.

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

OFFICE SECRETARY OF STATE, Minnesota.

I hereby certify that the above Act, having been retained more than three days by the Governor, become a law without his signature, in accordance with the provisions of Section Eleven of Article Fourth of the Constitution, and that said Act was filed in this office this 15th day of June A. D. 1858.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXI.

An Act to lay out and establish a State Road from Glencoe, in McLeod County, via Paynesville, in Stearns County, to St. Cloud.

SECTION 1. Appointment of Commissioners to lay out Road.
2. First meeting of Commissioners.
3. Plat of Road to be recorded.
4. Expenses to be paid by counties through which road passes.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That James Phillips, and Lewis Harrington, of McLeod county, and E. E. Payne, of Stearns county, be,

Commissioners appointed

and are hereby appointed Commissioners to lay out and establish a State Road from Glencoe, by way of Paynesville, to Saint Cloud in Stearns county.

SEC. 2. The above named Commissioners, or a majority of them, shall meet at the office of Wm. S. Chapman, in Glen-

Meeting of commissioners

coe, on the first Monday in March, or as soon thereafter as practicable, and proceed to lay out, survey and establish said road.

SEC. 3. It shall be the duty of the aforesaid Commission-

Plat to be recorded

ers to file a map of the survey of said road with the several Registers of Deeds of the counties through which the road will pass.

SEC. 4. The expenses incurred in the establishing of the road, shall be paid by the several counties through which the road may be located. Expenses paid

SEC. 5. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February sixth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 6, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CCXII.

An Act to provide for the location of a State Road from Faribault to Mankato.

SECTION 1. Appointment of Commissioners to lay out State Road.
2. Meeting of Commissioners, and power to apoint substitutes.
3. Expenses of location paid by the counties through which the Road passes.
4. Commissioners to decide upon proportion of expenses to be paid by each county.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That N. S. Messick, David B. Parsons, and David Campbell, be and the same are hereby appointed Commissioners to locate and mark out a State Road commencing at Faribault, in the county of Rice, and from thence by way of Warsaw, Morristown, Waterville and Okamon, on the most practicable route to Mankato in Blue Earth county. Commissioners appointed

SEC. 2. That said Commissioners shall meet on the first Monday in May, A. D. 1858, or as soon thereafter as convenient at the Barron House in said town of Faribault, and at said meeting shall appoint the time when said road shall be commenced, and in case either of the Commissioners ap- Meeting of commissioners Power to appoint substitutes

pointed by this Act, neglect or refuse to act as such Commissioner, the other Commissioners may appoint some suitable person to supply said vacancy, or may in case a majority of them meet, proceed to discharge their duties as provided in Section First of this Act.

Expenses how paid

SEC. 3. That each county through which said road shall pass shall pay the expenses incurred in the location of the same as aforesaid, in proportion to the length of said road in each county respectively.

Commissioners to decide expenses

SEC. 4. That a statement of said expenses so incurred, shall be made in writing by said Commissioners which statement shall designate the amount of the same to be so paid by each of said counties, and a copy of which statement shall be furnished by said Commissioners to the Board of County Commissioners of each of said counties, and the orders of the said Road Commissioners upon the Treasurers of each of said counties respectfully, for the amount so designated shall be by said Treasurers paid out of any moneys in the treasuries of said counties respectively.

SEC. 6. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March twentieth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 20, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CCXIII.

An Act to authorize the County Commissioners of Hennepin County to Levy a Tax to build a Bridge across Nine Mile Creek.

SECTION 1. Powers of Commissioners to levy a tax to build a bridge.
2. Supervisors of Bloomington precinct to have charge of work.
3. Bridge to be built at the least possible expense.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That it shall be the duty of the Board of County

Commissioners of the County of Hennepin, during the present year, to levy and collect a tax of a sum not exceeding four hundred dollars, on the taxable property of said county, for the purpose of building a bridge across Nine Mile Creek, on the county road leading from the west line of the Military Reservation of Fort Snelling to the west line of the said County of Hennepin. Powers of commissioners.

Sec. 2. It shall be the duty of the Road Supervisors of the precinct of Bloomington to oversee the erection of said bridge, to keep a correct account of the cost of the same, and make a certified copy thereof to the County Commissioners of the said County of Hennepin, at some stated meeting of the Board, who shall thereupon draw county orders for the amount thereof upon the County Treasurer of said County of Hennepin. Supervisors to have charge of work

Sec. 3. It shall be the duty of said Road Supervisors of the precinct of Bloomington to build the bridge across said creek with the least possible expense, and he may at his option, either issue proposals for the building of said bridge, or cause it to be built by private contract or otherwise, as the case may be. Bridge how built

Sec. 4. This Act shall be in force from and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

Approved—February eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

Secretary's Office, Minnesota, February 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

Chas. L. Chase, Secretary.

CHAPTER CCXIV.

An Act to locate a State Road from Saint Paul to Chisago City.

Section 1. Appointment of Commissioners to lay out Road.
2. First meeting of Commissioners.
3. Expenses to be paid by counties through which road passes.
4. Commissioners to decide upon the proportion of expenses to be paid by counties.
5. Plat of road to be recorded.
6. Power to appoint substitutes.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That Charles N. Mackubin, Washington M.

Commissioners appointed

Stees and John M. Lamb, be, and are hereby appointed Commissioners to lay out, mark and survey a State Road commencing at a point where the eastern boundary of the City of Saint Paul cuts the Stillwater road, thence by the most direct and feasible way, via foot of Lake Phalen and intersecting the Anoka and Stillwater road between White Bear and Bald Eagle Lakes to Chisago City, in the county of Chisago.

Meeting of commissioners

SEC. 2. The said Commissioners or their substitutes duly authorized, shall meet in the city of Saint Paul on the second Monday in May next, or as soon thereafter as may be practicable, and proceed to survey and lay out said road by the nearest and most feasible route.

Expenses how paid

SEC. 3. The expense of laying out and surveying said road shall be paid by the counties through which said road may pass.

Commissioners to decide expenses

SEC. 4. The Commissioners shall decide the proportion and amount of such expenses to be paid by said counties through which said road may pass, and notify the Commissioners of each of said counties of the same.

Plat to be recorded

SEC. 5. The above named Commissioners shall cause to to be deposited in the offices of the Register of Deeds of the counties through which said road may pass, a copy of the survey of the same.

Power to appoint substitutes

SEC. 6. In the event either of said Commissioners shall be unable to perform the duties assigned him in this Act, he shall have power to appoint a substitute, and it shall be his duty to notify the other Commissioners of such substitution: *Provided*, That if at the first meeting mentioned in the Second Section of this bill, either of said Commissioners shall fail to appear in person or by duly authorized substitute, the said appointment shall be declared cancelled, and the Commissioner or Commissioners, or their duly authorized substitute or substitutes there present, shall have the power to select suitable persons to fill such vacancy or vacancies.

SEC. 7. This Act shall take effect on and after its passage.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—March eighth, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, March 8, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

CHAPTER CCXV.

An Act to amend Section Eight of Chapter Forty-four of the Extra Session, Approved May 23, A. D. 1857.

Section 1. Individual liability of stockholders in the Town of Ottowa for debts of the company.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Section Eight of Chapter Forty-four, of the Act to incorporate the town of Ottowa, and for other purposes, is amended so as to read as follows: Each of the stockholders of said company shall be personally liable for the debts of said company to an amount equal to the amount of capital stock held by said stockholder and no more; and the said company may, by a majority vote, voting by shares, as aforesaid, increase the capital stock at any annual or special meeting of said company, regularly called according to the by-laws of said company. Individuals liable for debts

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXVI.

An Act for the Relief of Mary Miller.

SECTION 1. The nuncupative will of Charles Miller legalized.
2. Possession of property to be given to legatee on giving bonds for payment of debts of estate.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the nuncupative will of Charles Miller, late of Houston County, deceased, giving to Mary Miller, of said

The will legalized

county, all his lands, credits and effects, is hereby legalized, and an attested copy of said will recorded in the office of the Register of Deeds of Houston county, shall be sufficient to vest in the said Mary Miller the title of all lands belonging to the said Charles Miller at the time of his decease, subject to the debts of said Charles Miller, and the expenses of administration.

Possession of property given to legatee

SEC. 2. If the said Mary Miller shall give bonds to the Judge of Probate of Houston County, in such sum and such sureties as he shall direct, and approve, with condition to pay all the debts and liabilities against said estate, and the expenses of administration, within such time as the Judge of Probate shall direct; and such Judge of Probate shall make a decree, giving to said Mary Miller the immediate possession and full control of the property, both real and personal, of the said deceased.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June seventeenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 17, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXVII.

An Act to authorize the Board of Supervisors of Wright County to Borrow Money.

SECTION 1. Supervisors authorized to borrow money for erection of County buildings.
2. Faith of county to be pledged for payment of interest and principal.
3. Use of the money so borrowed.

Be it enacted by the Legislature of the State of Minnesota:

Supervisors to borrow money

SECTION 1. That the Board of Supervisors of Wright County be, and are hereby authorized, and empowered to borrow a sum of money not exceeding twelve thousand dollars, at a rate of interest not exceeding twelve per cent. per annum, and for a term not exceeding ten years.

SEC. 2. The said Board of Supervisors are hereby author-

ized and empowered to pledge the faith of said county for the payment of said loan, by bonds duly executed by the said Board, under the seal of the said county. Faith of county pledged for payment

SEC. 3. The said Board of Supervisors are hereby authorized and empowered to use the money so borrowed for the purchase or erection, and completion of county buildings. Use of money

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-sixth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 26th, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXVIII.

An Act to amend an Act entitled An Act to amend Chapter 36 of the Revised Statutes, and passed March 1, 1856.

SECTION 1. Amendment to Chapter 1, of the Session Laws of 1856.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 1 of the Act above recited, be, and the same is hereby amended by striking out in the clause enumerated therein, as Section 24 of Chapter 36, the word "twelve," between the word "last" and the word "months," and substituting therefor the word "three." Amendment to chapter one

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXIX.

An Act to Incorporate the Town of Redstone.

SECTION 1. Boundaries of the Town.
2. Annual election for Town Officers.
3. First election for Town Officers.
4. Corporate powers of Town Officers.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That so much land as is contained in the south half section thirty-five (35), in township one hundred and ten (110), north of range No. thirty (30) west, embracing all the present town site of Redstone, as the same is platted and recorded in the office of the Register of Deeds of the county of Nicollet, be and the same is hereby created a town corporate by the name of Redstone, and shall have and enjoy all the powers, privileges and responsibilities usually enjoyed by municipal corporations.

Annual elections

SEC. 2. That for the good order and government of said town, it shall be lawful, and there shall be elected every two years, a President, Secretary and three Trustees, who shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business.

First election

SEC. 3. That the first election for town officers named in the foregoing Section, shall be held on the third Monday in August next ensuing, notices of said election to be posted in three public places in said town, at least fifteen days before said election.

Powers of town council

SEC. 4. The President and Trustees of said town shall be a body politic and corporate with perpetual succession, to be known and designated by the name of the Town Council of Redstone, and shall possess all the rights, and be subject to all the liabilities usually belonging to municipal corporations.

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEGRGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXX.

An Act to authorize the Supervisors of Brown County to borrow money for the erection of a Bridge across the Cottonwood River.

SECTION 1. Supervisors authorized to borrow money for the erection of a Bridge, &c.
2. Faith of the County pledged for payment of loan.
3. Use of the money borrowed.
4. Penalty for neglect of Supervisors.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Board of Supervisors of Brown county be, and are hereby authorized and empowered to borrow a sum of money not exceeding four thousand dollars, at a rate of interest not exceeding twelve per cent. per annum, and for a term of years not exceeding nine years. Supervisors to borrow money

SEC. 2. The said Board of Supervisors are hereby authorized and empowered to pledge the faith of said county for the payment of the said loan, by bonds duly executed by the said Board under the seal of said county. Faith of county pledged

SEC. 3. The said Board of Supervisors are hereby authorized and required to use the money so borrowed, for the purpose of erecting and completing a good and substantial bridge across the Big Cottonwood River, near the town of New Ulm. Use of money

SEC. 4. Any neglect on the part of the said Supervisors to apply the said money for the purpose aforesaid, or any attempt

Penalty for neglect

to use any part of the said money for any purpose whatever, other than herein specified, shall be deemed a misdemeanor in office.

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-three, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim*.

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXI.

An Act to amend an Act entitled An Act to amend An Act of the Incorporation of the Nininger, Saint Peter and Western Railroad, approved March 3d, 1858.

SECTION 1. Amendment to the Incorporation Act of Nininger Saint Peter and Western Railroad Company, concerning the laying of tracts.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to incorporation act of railroad

SECTION 1. That all of Section 1 of the said Act, be and the same is hereby amended so as to read as follows: The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate as a railroad, with one or more tracks, or lines of rails, from a point on the Mississippi River, within the city of Nininger, to the city of Saint Peter, on the Minnesota River, by way of the town of Louisville, and Henderson, on the said Minnesota River, together with a branch road from the said town of Louisville, on the Minnesota River, with one or more tracks or lines of rails by way of Carver and Young America, in Carver county, to Glencoe, the county seat of

McLeod county, thence to Eagle City, in Sibley county, upon as direct a line between the points above mentioned as practicable, which shall be determined by the Board of Directors with reference to the best route therefor.

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August fifth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August, 5, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXII.

An Act to amend an Act entitled An Act to amend An Act entitled An Act to incorporate the City of Stillwater, Approved March 1st, A. D. 1856.

SECTION 1. Amendment to City Charter, relating to duties of City Surveyor.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Chapter three of an Act to amend an Act to incorporate the City of Stillwater, approved March 1st, A. D. 1858, be and the same is hereby amended to read as follows:

Amendment to city charter in relation to duties of city surveyor

SEC. 18. The City Surveyor shall cause to be established at some convenient point in a public street, an initial fixed point, from which the street surveys shall be conducted, and whenever the City Council shall establish the grade lines of any streets, alleys, levees or wharves, they shall cause a full record to be made of the elevations, and all other matters that they may deem necessary for a full understanding in regard to said grades, in a book to be kept for that purpose, by the City Surveyor, and whenever the grades of any

streets, alleys, levees or wharves have been established and recorded, the grades so established and recorded shall not be changed. *Provided*, That any change may be made by the payment of all damages that may arise to any person or persons interested, said damages to be ascertained in like manner as for deep cutting or extraordinary filling of streets, as provided for in Section 10 of Chapter 4 of this Act. *Provided*, That nothing herein shall be so construed as to affect any right obtained under any former act or acts of the City Council.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August fifth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 5, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXIII.

An Act to Incorporate the Town of Woodstock.

SECTION 1. Boundaries of the Town.
2. Annual Town Elections, when held.
3. Town elections, how conducted.
4. Corporate powers of Town officers.
5. Town Council to pre empt town site.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That the N. E. quarter of section 33, and the N. W. quarter of section 34, in township 124, north of range 29 west, in Stearns county, and State of Minnesota, be, and the same is hereby created a town corporate, by the name of Woodstock.

Annual elections

SEC. 2. That for the good order and government of said town, it shall be lawful for the qualified voters of said town, to meet the first day of January, 1859, and at the same time annually thereafter, at such place in said town, as the Town

Council hereinafter appointed, or any three of them, may direct, and then and there proceed to elect by ballot one President, and one Recorder, and three Trustees, being qualified voters in said town, who shall hold their offices one year, or until their successors shall be elected and qualified, and such President, Recorder and Trustees being so elected and qualified, shall constitute the Town Council of said Town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties, and for the purpose of entering said town site, and acquiring the title thereto; and David Wood is hereby appointed President, William H. Wood, Recorder, and Jeremiah Russell, G. W. Sweet and John L. Wilson, Trustees of said Town Council, until the said first day of January, 1859.

Manner of conducting elections.

SEC. 3. At the first election to be held under this Act, there shall be chosen by the electors present at the time of opening the polls, on the day of holding said first election, two Judges and a Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act, and at all subsequent elections the Trustees, or any two of them shall act as Judges, and the Recorder, or in his absence some person to be appointed by the Judges, shall be Clerk. The Polls shall be opened between the hours of ten and eleven in the forenoon, and closed at four in the afternoon of said day, and at the close of the polls, the votes shall be counted, and a true statement thereof proclaimed to those present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of said Town Council at least ten days before each and every election to give notice of the same, by putting up notices at three of the public places in said Town.

Powers of town officers

SEC. 4. The President, Recorder and Trustees of said Town shall be and are hereby created a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the Town of Woodstock, and their duties, powers and privileges shall be the same as those prescribed and allowed in an Act to "Incorporate the Town of St. Cloud," approved March first, 1856.

Town council to pre-empt town site

SEC. 5. It shall be the duty of the said Town Council hereby appointed to perfect the entry of the said Town site of the Town of Woodstock, as soon as possible.

A. J. RUTAN,
Speaker *pro. tem.* of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the fifth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 5, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXIV.

An Act to Relieve the Minnesota and Northwestern Rail Road Company.

SECTION 1. Minnesota and Northwestern Railroad Company released from building railroad, southward of a point on the Mississippi River, conditioned upon a release of claims to Land Grant of 1857, and $5,000,000 Loan of 1858—acceptance of act to be made within 60 days.

2. Failure to accede to the terms, this act to be void.

3. Said Company authorized to consolidate with Minnesota and Pacific Railroad.

Be it enacted by the Legislature of the State of Minnesota:

Released from building portion of road southward on Mississippi river, conditioned upon covenant to land grant railroad companies, to waive all claim to land grant of $5,000,000

SECTION 1. That the Minnesota and Northwestern Railroad Company shall be and hereby is exempted and released from all obligation to construct a Railroad and Telegraph to the southward of some point between Anoka and St. Paul. *Provided*, They shall build and put in operation that portion of the railroad mentioned and contemplated in and by its charter, and extend the same from the St. Louis Bay at the head of Lake Superior within the limits of this State, to some point between Anoka and St. Paul; *Provided, further*, however, that the said Minnesota and Northwestern Railroad Company shall, within sixty days from and after the passage of this Act, duly execute under its corporate seal and deliver to the Minnesota and Pacific Railroad Company, the Transit Railroad Company, the Root River Valley and Southern Minnesota Railroad Company, and the Minneapolis and Cedar Valley Railroad Company, respectively, a full, ample and sufficient covenant, undertaking and agreement, whereby the said the Minnesota and Northwestern Railroad Company, shall covenant, promise and agree, as well for their grantees and assigns, as for themselves and their successors, that neither the said covenanters nor their successors, grantees or assigns, shall, at any time, claim or attempt to enforce as against the said, the Minnesota and Pacific Railroad Company, the Transit Railroad Company, the Root River Valley

and Southern Minnesota Railroad Company, and the Minneapolis and Cedar Valley Railroad Company, or either of them, or against any person or persons claiming under or through them, or either of them, any title to or interest in any of the lands which have been granted to the said last mentioned companies, respectively; and, *Provided, further*, That the said the Minnesota and Northwestern Railroad Company shall also, within the said sixty days aforesaid, execute under the corporate seal of said company, duly signed by the proper officers thereof, and deliver to the Governor, a full, absolute and unconditional release of all the right, title, interest and claim said company now have, or may hereafter acquire in and to any part or portion of the five million loan to Railroads, provided for by an amendment to the Constitution of this State, and shall within the time aforesaid execute and deliver to the Governor of this State, a good and sufficient undertaking, covenant and agreement, whereby the said company shall undertake, promise and agree, that they will not under penalty of a forfeiture of their chartered rights and privileges at any time claim or attempt to obtain any portion of the five million loan to railroads provided for by an amendment to the Constitution of this State, approved by the people of Minnesota, April 15, 1858.

Failure to accede to above terms, act to be void

SEC. 2. In case the covenants, undertakings and agreements, above mentioned, shall not be duly executed and delivered by the Minnesota and Northwestern Railroad Company, in full compliance with the above provisions, within the time therein limited, this Act shall cease and thenceforth become and be inoperative and void.

May consolidate with Minnesota and Pacific railroad company

SEC. 3. It shall and may be lawful for the Minnesota and Northwestern Railroad Company to consolidate with the Minnesota and Pacific Railroad Company upon such terms as may be agreed upon by the Board of Directors of said Companies respectively.

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXV.

An Act to amend an Act entitled An Act to organize the County of Sibley.

SECTION 1. Supervisors authorized to enter lands for County Buildings.
2. Authority to deed said lands to individual claimants, in accordance with agreement.
3. Repeal of a part of the act establishing the county of Sibley.

Be it enacted by the Legislature of the State of Minnesota:

Supervisors to enter lands

SECTION 1. The Board of Supervisors of the county of Sibley, are hereby authorized to apply to enter, under the Act of Congress, approved May 26, 1824, entitled "An Act entitled An Act granting to the counties or parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of lands, for seats of Justice, within the same," the north-east quarter of section eleven (11), in town No. one hundred and twelve (112), of range twenty-six (26) west, in the Henderson land district, in the same manner, under the same restrictions, and for the same purposes that the County Commissioners of said county were authorized to pre-empt a quarter section of land, by and under the provisions of the Act entitled "An Act to organize the county of Sibley," approved March 2d, 1854, to which this Act is amendatory.

Authorized to deed lands to claimants

SEC. 2. The Board of Supervisors of said county are further authorized and required to deed to the original claimants to said quarter section or any portion thereof, so originally claimed, in accordance with the contract entered into by and between the Board of County Commissioners, of said county, and said original claimants, by authority of said Act to which this is amendatory, and of record in the Journal of the proceedings of said Board of Commissioners.

Repeal of part of act

SEC. 3. So much of the Act to which this is amendatory, which authorizes the Board of County Commissioners to pre-empt a quarter section of land for a seat of justice of said county, is hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a correct copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXVI.

An Act to Incorporate the Town of Freeborn.

SECTION 1. Boundaries of the Town.
2. Town Officers named.
3. Town Council—oath of office of members.
4. Town elections, how conducted.
5. Pre-emption of town site to be made by Town Council.
6. Powers and privileges of Town Officers to be same as in Incorporation of Winnebago City.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That so much land in township one hundred and four (104), north of range twenty-three (23) west, as is contained within the boundary lines of the town of Freeborn, according to the original plot of said town now on record in the office of the Register of Deeds of the county of Freeborn, in this State, be and the same is hereby created a town corporate by the name of "Freeborn."

Town officers, named

SEC. 2. That for the good order and improvement of said town, Edwin S. Dunn, be and is hereby appointed President, and Joseph S. Rickards, Charles P. Giddings, John Wood, and John Purdie, be and are hereby appointed Trustees, which Board of Trustees shall elect a Secretary; and said President, Trustees and Secretary shall constitute the Council of said town, and shall hold their office until the first Wednesday of January next, or until their successors be elected and qualified.

Successors to town council—oath of office

SEC. 3. The male inhabitants of said town being qualified voters, may at any election of State, county or town officers, upon the posting of a notice at least ten days previous to such election in three public places in said town, by the Secretary of said town, per order of the Town Council aforesaid, elect successors to the aforesaid Council, who shall enter upon the duties of their office upon the first Wednesday of the first month next after their election, and shall before entering upon the duties of their offices, take and subscribe to an oath to support the Constitution of the United States, and of the State of Minnesota, and also an oath of office.

Town elections, how conducted

SEC. 4. At all elections for members of Town Council, or other officers of said town, the legal voters assembled shall at the appointed hour for opening the polls, appoint by acclamation three Judges to preside at such election, who shall take an oath of office before proceeding to act as such, and the polls shall be kept open by them at least three hours, and they shall give notice at least half an hour before the closing

The will legalized

county, all his lands, credits and effects, is hereby legalized, and an attested copy of said will recorded in the office of the Register of Deeds of Houston county, shall be sufficient to vest in the said Mary Miller the title of all lands belonging to the said Charles Miller at the time of his decease, subject to the debts of said Charles Miller, and the expenses of administration.

Possession of property given to legatee

SEC. 2. If the said Mary Miller shall give bonds to the Judge of Probate of Houston County, in such sum and such sureties as he shall direct, and approve, with condition to pay all the debts and liabilities against said estate, and the expenses of administration, within such time as the Judge of Probate shall direct; and such Judge of Probate shall make a decree, giving to said Mary Miller the immediate possession and full control of the property, both real and personal, of the said deceased.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June seventeenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, June 17, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXVII.

An Act to authorize the Board of Supervisors of Wright County to Borrow Money.

SECTION 1. Supervisors authorized to borrow money for erection of County buildings.
2. Faith of county to be pledged for payment of interest and principal.
3. Use of the money so borrowed.

Be it enacted by the Legislature of the State of Minnesota:

Supervisors to borrow money

SECTION 1. That the Board of Supervisors of Wright County be, and are hereby authorized, and empowered to borrow a sum of money not exceeding twelve thousand dollars, at a rate of interest not exceeding twelve per cent. per annum, and for a term not exceeding ten years.

SEC. 2. The said Board of Supervisors are hereby author-

ized and empowered to pledge the faith of said county for the payment of said loan, by bonds duly executed by the said Board, under the seal of the said county. Faith of county pledged for payment

SEC. 3. The said Board of Supervisors are hereby authorized and empowered to use the money so borrowed for the purchase or erection, and completion of county buildings. Use of money

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July the twenty-sixth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 26th, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXVIII.

An Act to amend an Act entitled An Act to amend Chapter 36 of the Revised Statutes, and passed March 1, 1856.

SECTION 1. Amendment to Chapter 1, of the Session Laws of 1856.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section 1 of the Act above recited, be, and the same is hereby amended by striking out in the clause enumerated therein, as Section 24 of Chapter 36, the word "twelve," between the word "last" and the word "months," and substituting therefor the word "three." Amendment to chapter one

SEC. 2. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXIX.

An Act to Incorporate the Town of Redstone.

SECTION 1. Boundaries of the Town.
2. Annual election for Town Officers.
3. First election for Town Officers.
4. Corporate powers of Town Officers.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That so much land as is contained in the south half section thirty-five (35), in township one hundred and ten (110), north of range No. thirty (30) west, embracing all the present town site of Redstone, as the same is platted and recorded in the office of the Register of Deeds of the county of Nicollet, be and the same is hereby created a town corporate by the name of Redstone, and shall have and enjoy all the powers, privileges and responsibilities usually enjoyed by municipal corporations.

Annual elections

SEC. 2. That for the good order and government of said town, it shall be lawful, and there shall be elected every two years, a President, Secretary and three Trustees, who shall constitute the Town Council of said town, any three of whom shall constitute a quorum for the transaction of business.

First election

SEC. 3. That the first election for town officers named in the foregoing Section, shall be held on the third Monday in August next ensuing, notices of said election to be posted in three public places in said town, at least fifteen days before said election.

Powers of town council

SEC. 4. The President and Trustees of said town shall be a body politic and corporate with perpetual succession, to be known and designated by the name of the Town Council of Redstone, and shall possess all the rights, and be subject to all the liabilities usually belonging to municipal corporations

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEGRGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXX.

An Act to authorize the Supervisors of Brown County to borrow money for the erection of a Bridge across the Cottonwood River.

SECTION 1. Supervisors authorized to borrow money for the erection of a Bridge, &c.
2. Faith of the County pledged for payment of loan.
3. Use of the money borrowed.
4. Penalty for neglect of Supervisors.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Board of Supervisors of Brown county be, and are hereby authorized and empowered to borrow a sum of money not exceeding four thousand dollars, at a rate of interest not exceeding twelve per cent. per annum, and for a term of years not exceeding nine years. Supervisors to borrow money

SEC. 2. The said Board of Supervisors are hereby authorized and empowered to pledge the faith of said county for the payment of the said loan, by bonds duly executed by the said Board under the seal of said county. Faith of county pledged

SEC. 3. The said Board of Supervisors are hereby authorized and required to use the money so borrowed, for the purpose of erecting and completing a good and substantial bridge across the Big Cottonwood River, near the town of New Ulm. Use of money

SEC. 4. Any neglect on the part of the said Supervisors to apply the said money for the purpose aforesaid, or any attempt

Penalty for neglect

to use any part of the said money for any purpose whatever, other than herein specified, shall be deemed a misdemeanor in office.

SEC. 5. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—June twenty-three, one thousand eight hundred and fifty-eight.

WILLIAM HOLCOMBE,
Governor *ad interim*.

SECRETARY'S OFFICE, Minnesota, June 23, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXI.

An Act to amend an Act entitled An Act to amend An Act of the Incorporation of the Nininger, Saint Peter and Western Railroad, approved March 3d, 1858.

SECTION 1. Amendment to the Incorporation Act of Nininger Saint Peter and Western Railroad Company, concerning the laying of tracts.

Be it enacted by the Legislature of the State of Minnesota:

Amendment to incorporation act of railroad

SECTION 1. That all of Section 1 of the said Act, be and the same is hereby amended so as to read as follows: The said corporation is hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate as a railroad, with one or more tracks, or lines of rails, from a point on the Mississippi River, within the city of Nininger, to the city of Saint Peter, on the Minnesota River, by way of the town of Louisville, and Henderson, on the said Minnesota River, together with a branch road from the said town of Louisville, on the Minnesota River, with one or more tracks or lines of rails by way of Carver and Young America, in Carver county, to Glencoe, the county seat of

McLeod county, thence to Eagle City, in Sibley county, upon as direct a line between the points above mentioned as practicable, which shall be determined by the Board of Directors with reference to the best route therefor.

SEC. 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August fifth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August, 5, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXII.

An Act to amend an Act entitled An Act to amend An Act entitled An Act to incorporate the City of Stillwater, Approved March 1st, A. D. 1856.

SECTION 1. Amendment to City Charter, relating to duties of City Surveyor.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Chapter three of an Act to amend an Act to incorporate the City of Stillwater, approved March 1st, A. D. 1858, be and the same is hereby amended to read as follows:

Amendment to city charter in relation to duties of city surveyor

SEC. 18. The City Surveyor shall cause to be established at some convenient point in a public street, an initial fixed point, from which the street surveys shall be conducted, and whenever the City Council shall establish the grade lines of any streets, alleys, levees or wharves, they shall cause a full record to be made of the elevations, and all other matters that they may deem necessary for a full understanding in regard to said grades, in a book to be kept for that purpose, by the City Surveyor, and whenever the grades of any

streets, alleys, levees or wharves have been established and recorded, the grades so established and recorded shall not be changed. *Provided*, That any change may be made by the payment of all damages that may arise to any person or persons interested, said damages to be ascertained in like manner as for deep cutting or extraordinary filling of streets, as provided for in Section 10 of Chapter 4 of this Act. *Provided*, That nothing herein shall be so construed as to affect any right obtained under any former act or acts of the City Council.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August fifth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 5, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXIII.

An Act to Incorporate the Town of Woodstock.

SECTION 1. Boundaries of the Town.
2. Annual Town Elections, when held.
3. Town elections, how conducted.
4. Corporate powers of Town officers.
5. Town Council to pre empt town site.

Be it enacted by the Legislature of the State of Minnesota:

Boundaries of the town

SECTION 1. That the N. E. quarter of section 33, and the N. W. quarter of section 34, in township 124, north of range 29 west, in Stearns county, and State of Minnesota, be, and the same is hereby created a town corporate, by the name of Woodstock.

Annual elections

SEC. 2. That for the good order and government of said town, it shall be lawful for the qualified voters of said town, to meet the first day of January, 1859, and at the same time annually thereafter, at such place in said town, as the Town

Council hereinafter appointed, or any three of them, may direct, and then and there proceed to elect by ballot one President, and one Recorder, and three Trustees, being qualified voters in said town, who shall hold their offices one year, or until their successors shall be elected and qualified, and such President, Recorder and Trustees being so elected and qualified, shall constitute the Town Council of said Town, any three of whom shall constitute a quorum for the transaction of business pertaining to their duties, and for the purpose of entering said town site, and acquiring the title thereto; and David Wood is hereby appointed President, William H. Wood, Recorder, and Jeremiah Russell, G. W. Sweet and John L. Wilson, Trustees of said Town Council, until the said first day of January, 1859.

Manner of conducting elections.

SEC. 3. At the first election to be held under this Act, there shall be chosen by the electors present at the time of opening the polls, on the day of holding said first election, two Judges and a Clerk of said election, who shall take an oath or affirmation faithfully to discharge the duties required of them by this Act, and at all subsequent elections the Trustees, or any two of them shall act as Judges, and the Recorder, or in his absence some person to be appointed by the Judges, shall be Clerk. The Polls shall be opened between the hours of ten and eleven in the forenoon, and closed at four in the afternoon of said day, and at the close of the polls, the votes shall be counted, and a true statement thereof proclaimed to those present by one of the Judges, and the Clerk shall make a true record thereof, and within five days thereafter he shall give notice to the persons so elected of their election; and it shall be the duty of said Town Council at least ten days before each and every election to give notice of the same, by putting up notices at three of the public places in said Town.

Powers of town officers

SEC. 4. The President, Recorder and Trustees of said Town shall be and are hereby created a body corporate and politic, with perpetual succession, to be known and distinguished by the name of the Town of Woodstock, and their duties, powers and privileges shall be the same as those prescribed and allowed in an Act to "Incorporate the Town of St. Cloud," approved March first, 1856.

Town council to pre-empt town site

SEC. 5. It shall be the duty of the said Town Council hereby appointed to perfect the entry of the said Town site of the Town of Woodstock, as soon as possible.

A. J. RUTAN,
Speaker *pro. tem.* of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the fifth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 5, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXIV.

An Act to Relieve the Minnesota and Northwestern Rail Road Company.

SECTION 1. Minnesota and Northwestern Railroad Company released from building railroad, southward of a point on the Mississippi River, conditioned upon a release of claims to Land Grant of 1857, and $5,000,000 Loan of 1858—acceptance of act to be made within 60 days.
2. Failure to accede to the terms, this act to be void.
3. Said Company authorized to consolidate with Minnesota and Pacific Railroad.

Be it enacted by the Legislature of the State of Minnesota:

Released from building portion of road southward on Mississippi river, conditioned upon covenant to land grant railroad companies, to waive all claim to land grant of $5,000,000

SECTION 1. That the Minnesota and Northwestern Railroad Company shall be and hereby is exempted and released from all obligation to construct a Railroad and Telegraph to the southward of some point between Anoka and St. Paul. *Provided*, They shall build and put in operation that portion of the railroad mentioned and contemplated in and by its charter, and extend the same from the St. Louis Bay at the head of Lake Superior within the limits of this State, to some point between Anoka and St. Paul; *Provided, further*, however, that the said Minnesota and Northwestern Railroad Company shall, within sixty days from and after the passage of this Act, duly execute under its corporate seal and deliver to the Minnesota and Pacific Railroad Company, the Transit Railroad Company, the Root River Valley and Southern Minnesota Railroad Company, and the Minneapolis and Cedar Valley Railroad Company, respectively, a full, ample and sufficient covenant, undertaking and agreement, whereby the said the Minnesota and Northwestern Railroad Company, shall covenant, promise and agree, as well for their grantees and assigns, as for themselves and their successors, that neither the said covenanters nor their successors, grantees or assigns, shall, at any time, claim or attempt to enforce as against the said, the Minnesota and Pacific Railroad Company, the Transit Railroad Company, the Root River Valley

and Southern Minnesota Railroad Company, and the Minneapolis and Cedar Valley Railroad Company, or either of them, or against any person or persons claiming under or through them, or either of them, any title to or interest in any of the lands which have been granted to the said last mentioned companies, respectively; and, *Provided, further*, That the said the Minnesota and Northwestern Railroad Company shall also, within the said sixty days aforesaid, execute under the corporate seal of said company, duly signed by the proper officers thereof, and deliver to the Governor, a full, absolute and unconditional release of all the right, title, interest and claim said company now have, or may hereafter acquire in and to any part or portion of the five million loan to Railroads, provided for by an amendment to the Constitution of this State, and shall within the time aforesaid execute and deliver to the Governor of this State, a good and sufficient undertaking, covenant and agreement, whereby the said company shall undertake, promise and agree, that they will not under penalty of a forfeiture of their chartered rights and privileges at any time claim or attempt to obtain any portion of the five million loan to railroads provided for by an amendment to the Constitution of this State, approved by the people of Minnesota, April 15, 1858.

Failure to accede to above terms, act to be void

SEC. 2. In case the covenants, undertakings and agreements, above mentioned, shall not be duly executed and delivered by the Minnesota and Northwestern Railroad Company, in full compliance with the above provisions, within the time therein limited, this Act shall cease and thenceforth become and be inoperative and void.

May consolidate with Minnesota and Pacific railroad company

SEC. 3. It shall and may be lawful for the Minnesota and Northwestern Railroad Company to consolidate with the Minnesota and Pacific Railroad Company upon such terms as may be agreed upon by the Board of Directors of said Companies respectively.

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 10, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXV.

An Act to amend an Act entitled An Act to organize the County of Sibley.

SECTION 1. Supervisors authorized to enter lands for County Buildings.
2. Authority to deed said lands to individual claimants, in accordance with agreement.
3. Repeal of a part of the act establishing the county of Sibley.

Be it enacted by the Legislature of the State of Minnesota:

Supervisors to enter lands

SECTION 1. The Board of Supervisors of the county of Sibley, are hereby authorized to apply to enter, under the Act of Congress, approved May 26, 1824, entitled "An Act entitled An Act granting to the counties or parishes of each State and Territory of the United States, in which the public lands are situated, the right of pre-emption to quarter sections of lands, for seats of Justice, within the same," the north-east quarter of section eleven (11), in town No. one hundred and twelve (112), of range twenty-six (26) west, in the Henderson land district, in the same manner, under the same restrictions, and for the same purposes that the County Commissioners of said county were authorized to pre-empt a quarter section of land, by and under the provisions of the Act entitled "An Act to organize the county of Sibley," approved March 2d, 1854, to which this Act is amendatory.

Authorized to deed lands to claimants

SEC. 2. The Board of Supervisors of said county are further authorized and required to deed to the original claimants to said quarter section or any portion thereof, so originally claimed, in accordance with the contract entered into by and between the Board of County Commissioners, of said county, and said original claimants, by authority of said Act to which this is amendatory, and of record in the Journal of the proceedings of said Board of Commissioners.

Repeal of part of act

SEC. 3. So much of the Act to which this is amendatory, which authorizes the Board of County Commissioners to pre-empt a quarter section of land for a seat of justice of said county, is hereby repealed.

SEC. 4. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a correct copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXVI.

An Act to Incorporate the Town of Freeborn.

SECTION 1. Boundaries of the Town.
2. Town Officers named.
3. Town Council—oath of office of members.
4. Town elections, how conducted.
5. Pre-emption of town site to be made by Town Council.
6. Powers and privileges of Town Officers to be same as in Incorporation of Winnebago City.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That so much land in township one hundred and four (104), north of range twenty-three (23) west, as is contained within the boundary lines of the town of Freeborn, according to the original plot of said town now on record in the office of the Register of Deeds of the county of Freeborn, in this State, be and the same is hereby created a town corporate by the name of "Freeborn." Boundaries of the town

SEC. 2. That for the good order and improvement of said town, Edwin S. Dunn, be and is hereby appointed President, and Joseph S. Rickards, Charles P. Giddings, John Wood, and John Purdie, be and are hereby appointed Trustees, which Board of Trustees shall elect a Secretary; and said President, Trustees and Secretary shall constitute the Council of said town, and shall hold their office until the first Wednesday of January next, or until their successors be elected and qualified. Town officers named

SEC. 3. The male inhabitants of said town being qualified voters, may at any election of State, county or town officers, upon the posting of a notice at least ten days previous to such election in three public places in said town, by the Secretary of said town, per order of the Town Council aforesaid, elect successors to the aforesaid Council, who shall enter upon the duties of their office upon the first Wednesday of the first month next after their election, and shall before entering upon the duties of their offices, take and subscribe to an oath to support the Constitution of the United States, and of the State of Minnesota, and also an oath of office. Successors to town council—oath of office

SEC. 4. At all elections for members of Town Council, or other officers of said town, the legal voters assembled shall at the appointed hour for opening the polls, appoint by acclamation three Judges to preside at such election, who shall take an oath of office before proceeding to act as such, and the polls shall be kept open by them at least three hours, and they shall give notice at least half an hour before the closing Town elections how conducted

of the polls [of the time of the closing of the polls,] and no votes shall be received by them, after the expiration of the time so noticed and proclaimed. The parties receiving the highest number of votes for their respective offices to which their names are subscribed upon the ballots, shall be declared elected, and in case of a tie vote for any two or more persons to any office, the election of one of them shall be determined by lot, in the presence of the Judges of said election, and the parties who shall have received such tie vote.

Pre-emption of town site how made

SEC. 5. It shall be the duty of said town to apply for a pre-emption of the town site of said town of Freeborn, under the provisions of the Act of Congress, entitled "An Act for the relief of the citizens of towns upon the lands of the United States, under certain circumstances," approved May 23d, 1844, and as soon as the title to said lands shall be obtained as aforesaid, to ascertain the persons entitled to the various lots and blocks within said town, who may have a valid right to the same either by original claim, or by transfer by the person or persons having made such original claim, and to deed under the hand of the President of said town, and sealed by the seal of said corporation, to such person or persons so entitled, the lots or blocks to which such person or persons may be entitled, *Provided*, That no street, alley or other public ground shall be so deeded.

Powers and privileges of town council

SEC. 6. The President, Trustees and Secretary of said town shall be, and are hereby created a body corporate and politic with perpetual succession, to be known and distinguished by the name and style of the Town of Freeborn, and their duties, powers and privileges shall be the same as those prescribed and allowed in Sections four (4), five (5), six (6), seven (7), eight (8), nine (9), and ten (10), of an Act to incorporate the town of Winnebago City, approved February 19th, A. D. 1857.

SEC. 7. This Act shall take effect from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHPATER CCXXVII.

An Act for the Relief of Ellen Langford.

SECTION 1. Governor directed to sell a certain quarter section of School land.
2. Provision for Ellen Langford to have preference in purchase.
3. Proceeds of sale to be paid into School Fund.
4. Act to take effect after appraisement of land.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That the Governor is hereby authorized to cause to be sold at public sale, immediately after the valuation thereof, as required by the Constitution, the following described piece of land, to wit: The south-east quarter of section thirty-six (36), town twenty-eight (28), range twenty-three (23). Sale of school land

SEC. 2. That the Governor, by published notice, proclaim said piece of land for sale, to be sold to the highest bidder: *Provided*, That the petitioner Ellen Langford, who now claims the right to said piece of land, from her actual settlement and improvement thereon, shall have the preference in purchasing the same at the highest bid. *And provided further*, That in case the said Ellen Langford, shall fail to purchase the same, on due notice being given her by the Governor, any person or persons who may buy the said piece of land, shall pay to the said Ellen Langford, the full price of her improvements, which shall be ascertained by two appraisers, of whom, one shall be appointed by the Governor, and the other by said Ellen Langford, and in case they cannot agree the Governor shall appoint a third appraiser. The three appraisers thus appointed shall then proceed to appraise said improvement, and their decision thereon shall be final. To have preference in purchase

SEC. 3. The proceeds of the sale of said piece of land shall be applied to the support of common schools, and deposited in the State School Fund for the purpose aforesaid. Proceeds of sale

SEC. 4. This Act shall be in force and take effect after said land shall be appraised, or a valuation placed thereon as required by Section 3, of Article 8, of the Constitution.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August second, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 2, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXVIII.

An Act to amend An Act to amend Chapter Eighty of the Session Laws of the Territory of Minnesota, passed at the Extra Session of the Legislative Assembly, held August [April] 27th, 1857.

SECTION 1. Amendment to the act providing for the opening of Fort St., [See Chapter 111.)

Be it enacted by the Legislature of the State of Minnesota:

Amendment to chapter 111

SECTION 1. Section Fourteen of Chapter Eighty of the Session Laws passed at the extra session held in the year 1857, is hereby amended so as to read as follows, viz: The fees of the Commissioners appointed under this Act, shall be two dollars a day for each Commissioner. They shall have power to employ a surveyor, at the price of five dollars a day or less, and make all surveys that may be necessary in the performance of their duties. All accounts for services rendered or expenses incurred under the provisions of this Act, shall be certified by the Secretary of said Commissioners, and the same as well as the fees of said Commissioners, certified as aforesaid, shall be paid by the Treasurer of said county upon orders drawn by said Board of County Commissioners. No error or informality in proceedings under this Act, not affecting the substantial right of parties shall render such proceedings invalid, or vitiate any assessment or tax levied under said Act. The said Commissioners shall cause affidavits of the publication of all notices herein required to be published, to be made by the publisher of the newspaper in which the same shall have been or may be published, or by some person in his office acquainted with the facts, and the same may be filed and recorded in the office of the Register of Deeds of said county, and shall be evidence of the facts therein contained. The said District Judge may by order, to be filed and recorded in the office of said Register of Deeds, fill any vacancy in the number of such Commissioners, occasioned by the death, resignation or refusal to act of any such Commissioners.

SEC 2. This Act shall take effect and be in force from and after its passage.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—August the twelfth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, August 12, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

CHAPTER CCXXIX.

An Act to amend an Act entitled An Act to provide for the laying out of certain State Roads in the State of Minnesota, and to amend an amendment to the same.

SECTION 1. Change in location of State Road from Quincy to Princeton.
2. Repeal of State Road from Township 28, Range 23, Ramsey County, to Williams' Ferry.
3. Change in location &c., from Henderson to Nobles' Wagon Road.
4. Change in location &c., from Mankato to Nobles' Wagon Road.
5. Relocation of road from Mankato to Brownsville.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. That Section fifty-four of said Act is hereby amended so as to read via "Elk Lake" in lieu of "Hayden's Lake." Change in location of road

SEC. 2. That Section forty-nine of said Act is hereby repealed. Repealed

SEC. 3. That Section one of said Act is hereby amended by striking out the name of J. B. Calkins, and inserting the name of Fred. Rehfeld. And after the road leaves New Ulm, at or near the house of John Dans, and running to the middle line of section thirty-four (34), township one hundred and ten (110), range thirty-one, at a convenient point, thence west on said line as far as practicable. Change in location

SEC. 4. That Section seventy-three of said Act is hereby amended by striking out the name of J. B. Calkins, and inserting the name of Fred. Rehfeld. And after crossing the Big Cottonwood, to intersect the road from New Ulm to Nobles Wagon Road, at the middle line of Section thirty-four (34), township one hundred and ten (110), range thirty-one (31), at the same point that the road from New Ulm intersects said line.

SEC. 5. That Section thirty-two (32) of said Act is hereby amended as follows: Commencing at Crystal Lake City, Change in location

and running by the most feasible route, via Madelia, in Brown county, and Odessa, in Jackson county, to some point at or near the Falls of the Big Sioux River.

Relocation of road

SEC. 6. That George Stemison, John Nelson, and Edmond Bell, are hereby appointed Commissioners to re-locate and establish such portion of the Territorial Road, from Brownsville to Mankato, as lays between Gilbert Anderson's, in township one hundred and one (101), range six (6), to section sixteen (16), in township one hundred and one (101), range seven (7), and from thence in a north westerly direction to a point of junction with the Territorial Road running from Brownsville to Mankato.

GEORGE BRADLEY,
Speaker of the House of Representatives.
WILLIAM HOLCOMBE,
President of the Senate.

APPROVED—July twenty-seventh, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, Minnesota, July 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

APPENDIX.

THE FOLLOWING MEMORIALS WERE OMITTED IN THE VOLUME OF GENERAL LAWS.

NUMBER XXXV.

A Memorial to Congress to extend Mail Route No. 13,591, *(running from Rochester to Chatfield,) from Chatfield to Big Spring, via Farmers Grove and Preston, and the same be increased to three times a week.*

Memorial to extend mail route from Rochester to Chatfield

The Legislature of the State of Minnesota would most respectfully represent, that the mail facilities afforded to the people between Rochester and Big Spring, are entirely inefficient to meet their wants. That the commercial and social interest demand that Mail Route No. 13,591, be extended from Chatfield to Big Spring, via Farmers Grove and Preston, and that service on said route be increased to three times a week.

GEORGE BRADLEY,
Speaker of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—June tenth, one thousand eight hundred and fifty-eight.

HENRY H. SIBLEY.

SECRETARY'S OFFICE, MINNESOTA, June 10, 1858.

I hereby certify the forgegoing to be a true copy of the original on file in this office.

FRANCIS BAASEN, Secretary of State.

NUMBER XXXVI.

A Memorial to Congress for the establishment of a Mail Route.

To the Honorable the Senate and House of Representatives in Congress assembled:

Memorial for the establishment of a mail route

The Memorial of the Legislature of the State of Minnesota respectfully represents to your honorable body, that there are no direct mail facilities between Shakopee, St. Valentine, Rockford, Buffalo, Monticello and Clearwater, and that by the present arrangement it requires eighty miles of travel, by the way of St. Paul and Minneapolis, to obtain mail matter from eight miles distant; and that the country through which this route goes is thickly populated and requires a mail as often as once per week.

That your memorialists feel full confidence in the desire of the Government to provide all necessary mail facilities wherever desired by the people, and their wishes are made known; therefore we do most respectfully request that these expressed wishes be complied with, and a route be at once established to the points named, for weekly mail service.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February the twenty-seventh, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XXXVII.

A Memorial to Congress for an Appropriation for the Improvement of the Mississippi River at Beef Slough Bar.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

The Memorial of the Legislature of the State of Minnesota, would respectfully represent:

Memorial for an appropriation for the improvement of Beef Slough Bar

First. That whereas the Mississippi River is the most important thoroughfare for the commerce of the North-West, the only line over which the troops and military supplies are conveyed to all of the posts on the frontier of this State; and the line over which the immigration of the north-west must pass.

Second. That the Beef Slough Bar is the most formidable obstruction to the navigation of the said river, in many instances detaining steamboats for several consecutive days, thereby causing great waste of time and money to the general government, as well as to individuals; amounting annually to at least fifty thousand dollars.

Third. That a small amount of money, economically expended under the direction of a practical engineer, for the removal of said bar, would afford greater facilities to the commerce of the north-west, than the same expenditure in any other enterprise.

Fourth. That we believe from the authority of a practical engineer, who has carefully surveyed and accurately estimated the cost of said improvement, that the sum of twenty-five thousand dollars will permanently improve the river at that point, and make the navigation good at all seasons of the year when it is not obstructed by ice.

We therefore pray your honorable body to appropriate twenty-five thousand dollars, to be expended under the direction of the proper department, for the improvement of the Mississippi River between the head of the Grand Encampment, in town one hundred and ten (110), north of range ten (10) west, in the State of Minnesota, and the Twelve Mile Bluff, in the State of Wisconsin, and your memorialists will ever pray.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—January twenty-seventh, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, January 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XXXVIII.

A Memorial in relation to the Establishment of a Mail Route from Chatfield, in Fillmore County, via Pleasant Grove and High Forest, in Olmsted County, to Austin, in Mower County.

To the Honorable the Senate and House of Representatives of the United States in Congress assembled.

Memorial for the establishment of a mail route from Chatfield to Austin

The Legislature of the State of Minnesota respectfully represent, that the section of country lying between Chatfield, in Fillmore county, and Austin, in Mower county, contains a large population, and that the mail facilities afforded them by the present arrangement of the routes, are almost entirely inadequate to their wants; that between these points are the important and growing villages of Pleasant Grove, High Forest, and Brownsdale, the centres of densely settled portions of the country, which are at present almost devoid of mail facilities; that other portions of the country between the points named, are entirely without mail accomodations, and are, in the opinion of the Legislature, entitled to the same in common with other portions of the State.

In view of these facts, the Legislature of Minnesota respectfully represents to your honorable body, that the establishment of a Mail Route from Chatfield, via Pleasant Grove and High Forest, to Austin, is imperatively required by the convenience and interest of the inhabitants of the country through which said route would pass, and therefore ask that proper steps may be taken for the speedy establishment of said route.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seven, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

NUMBER XXXIX.

A Memorial of the Legislature of the State of Minnesota, for an Appropriation to pay Orrin W. Rice the amount expended by him in making a winter Road from Twin Lakes to Kettle River, in Minnesota.

To the Honorable the Senate and House of Representatives of the United States:

Memorial for appropriation to O W Rice for building road from Twin Lakes to Kettle River

The Memorial of the Legislature of the State of Minnesota, respectfully represents, that Orrin W. Rice cut and made the road from Twin Lakes to Kettle River, in Minnesota, on the unfinished portion of the Point Douglas and Saint Louis River Road, for the accommodation of the people of Minnesota, and the use of the Government in the transportation of mails and supplies.

That the Government having failed to complete the road from Point Douglas to the Saint Louis River, the amount expended thereon would have been useless in effecting a communication between these points, but for the enterprise and liberality of Mr. Rice in finishing the same as aforesaid, for winter use.

That the Road so made now affords a ready means of transit between Lake Superior and the Mississippi River, with teams as in winter and on horseback in summer, and is, and always must be, used by the Government as a mail, route and for military purposes.

It is but just, therefore, that Government should compensate Mr. Rice for the labor and expense incurred by him in thus perfecting this important national work.

Your Memorialists further respectfully represent, that the length of the road so made, is thirty-six miles, and that a just compensation therefor, and the amount paid by the Government for similar work, is one hundred dollars per mile.

Your Memorialists therefore respectfully ask that an appropriation of three thousand six hundred dollars may be made, to pay for the services and work specified.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seven, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota,
February 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L CHASE, Secretary

NUMBER XL.

A Memorial to Congress for the Amendment of Section Second of an Act granting land to Minnesota for Railroad Purposes.

To the Honorable the Senate and House of Representatives in Congress assembled:

Memorial for amendment of sec 2 of an act granting land for railroad purposes

The Memorial of the Legislature of the State of Minnesota, respectfully represent, that the provisions contained in Section Second of an Act of Congress entitled "An Act making a grant of land to the Territory of Minnesota, in alternate sections to aid in the construction of certain railroads in said Territory, &c., which Section Second of said Act provides that the sections and parts of sections of land which by such grant shall remain to the United States, within six miles on each side of said road and branches, shall not be sold for less than double the minimum price of the public lands when sold, nor shall any of said lands become subject to private entry until the same shall have been first offered at public sale, at the increased price. Prevents the settlement and improvement of a large quantity of the best agricultural land in our State, and places them beyond the reach of the poor man, and in the end places those lands in the hands of speculators and land monopolies. Your memorialists therefore ask your honorable body to amend said Section Second of said Act, and provide for the private entry of said lands by the actual settlers, at the minimum price of other public lands, as your memorialists in duty bound will ever pray.

GEORGE BRADLEY,
Speaker *pro tem.* of the House of Representatives.
RICHARD G. MURPHY,
President *pro tem.* of the Senate.

APPROVED—February twenty-seventh, one thousand eight hundred and fifty-eight.

CHAS. L. CHASE, Acting Governor.

SECRETARY'S OFFICE, Minnesota, February 27, 1858.

I hereby certify the foregoing to be a true copy of the original on file in this office.

CHAS. L. CHASE, Secretary.

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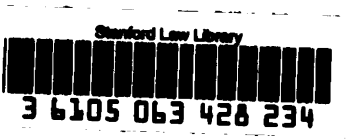
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